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

IN THE HOUSE OF REPRESENTATIVES

Mr. STEIL 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, equipping States with tools for, and establishing voluntary considerations to support effective State administration of Federal elections, improving election administration in the District of Columbia, improving the effectiveness of military voting programs, enhancing election security, and protecting political speech, and for other purposes.

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

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

TITLE I—ELECTION ADMINISTRATION INTEGRITY

Subtitle A—Findings Relating to State Administration of Federal Elections


Subtitle B—Voluntary Considerations for State Administration of Federal Elections

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

Subtitle C—Requirements to Promote Integrity in Election Administration

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

Subtitle A—District of Columbia Election Integrity and Voter Confidence

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

Subtitle B—Administration of the Election Assistance Commission

Sec. 151. Short title.
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Sec. 153. Requirements with respect to staff and funding of the Election Assistance Commission.
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Sec. 155. Executive Board of the Standards Board authority to enter into contracts.
Sec. 156. Election Assistance Commission primary role in election administration assistance.
Sec. 157. Clarification of the duties of the Election Assistance Commission.
Sec. 158. Election Assistance Commission powers.
Sec. 159. Membership of the Local Leadership Council.
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Subtitle C—Prohibition on Involvement in Elections by Foreign Nationals

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

Subtitle D—Constitutional Experts Panel With Respect to Presidential Elections

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

TITLE II—MILITARY VOTING ADMINISTRATION

Sec. 200. Short title.

Subtitle A—Findings Relating to Military Voting

Sec. 201. Findings relating to military voting.

Subtitle B—GAO Analysis on Military Voting Access
Sec. 211. Government Accountability Office report on implementation of Uniformed and Overseas Citizens Absentee Voting Act and improving access to voter registration information and assistance for absent uniformed services voters.

TITLE III—FIRST AMENDMENT PROTECTION ACT

Sec. 300. Short title.

Subtitle A—Protecting Political Speech and Freedom of Association

PART 1—PROTECTING POLITICAL SPEECH

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

PART 2—PROTECTING FREEDOM OF ASSOCIATION

Sec. 307. Findings.
Sec. 308. Protecting privacy of donors to tax-exempt organizations.
Sec. 309. Reporting requirements for tax-exempt organizations.
Sec. 310. Maintenance of standards for determining eligibility of section 501(c)(4) organizations.

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

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

Subtitle C—Registration and Reporting Requirements

Sec. 321. Electronic filing of electioneering communication reports.
Sec. 322. Increased qualifying threshold and establishing purpose for political committees.
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Subtitle D—Exclusion of Certain Amounts From Treatment as Contributions or Expenditures

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

Subtitle F—Miscellaneous Provisions

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Sec. 352. Permitting political committees to make disbursements by methods other than check.
Sec. 353. Designation of individual authorized to make campaign committee disbursements in event of death of candidate.
Sec. 354. Prohibiting aiding or abetting making of contributions in name of another.
Sec. 355. Unanimous consent of Commission members required for Commission to refuse to defend actions brought against Commission.
Sec. 356. Federal Election Commission member pay.
Sec. 358. Theft from political committee as a Federal crime.
Sec. 359. Repeal of obsolete provisions of law.
Sec. 360. Deadline for promulgation of proposed regulations.

TITLE IV—ELECTION SECURITY

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Sec. 411. Cybersecurity advisories relating to election systems.
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Sec. 501. Sense of Congress on authority to establish maps of congressional districts.
Sec. 502. Authority for Speaker of the House to join certain civil actions relating to apportionment.
Sec. 503. Census Monitoring Board.

TITLE VI—DISINFORMATION GOVERNANCE BOARD

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

TITLE VII—SEVERABILITY

Sec. 701. Severability.

1 SEC. 3. GENERAL FINDINGS.

Congress finds the following:
(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.

(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 American 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 do-
nate 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 Civil Rights Act and the Voting Rights Act, which are not anchored in Article 1, Section 4 of the Constitution, have seen much success since their passage in 1964 and 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
State Administration of Federal
Elections

SEC. 101. FINDINGS RELATING TO STATE ADMINISTRATION
OF FEDERAL ELECTIONS.

(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 and the duty 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 unfettered.

(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 Federalists, including Alexander Hamilton, were concerned with the possibility that the States, in an effort to destroy the Federal government, simply might not hold elections or that an emergency, such as an invasion or insurrection, might prevent the operation of a State’s government, leaving the Congress without Members and the Federal government unable to respond.

(3) Quite plainly, Alexander Hamilton, a leading 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 further 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 legis-
lature 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’ constitu-
tional ratifying conventions with respect to this pro-
vision, 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 assem-
ble, (as was the case of South Carolina and occas-
ionally of some other states, during the [Revolution-
ary] 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 par-
ticular state has rendered an interference essential
to the salvation of the general government.”). See

(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: 31 January*, reprinted in John P. Kaminski, Gaspare J. Saladino, and Richard Leffler (eds.), *3 Commentaries on the Constitution, public and private*

(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]ead[ing] 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 impressions 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 Con-
fidence . . . 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 regula-
tions 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 sen-
ators 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-
sumstance 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 en-
sure 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 amend-
ment 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 de-
bates that ensued over the Elections Clause provi-
sion 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 emer-
gencies and so thought there would be no harm in
supporting an amendment to make that language ex-
Edition. A Century of Lawmaking for a New Nation:
U.S. Congressional Documents and Debates, 1774 -
1875 (loc.gov). So, even the records of the First Congress reflect a recognition of the emergency nature of congressional power over Federal elections.

(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 aspect.”. *Smiley v. Holm*, 285 U.S. 355, 366 (1932).
(13) This holding is consistent with the understanding 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] substitute 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 Council of Arizona, Inc., 570 U.S. 1, 7–9 (2013).

The Court explained that the Elections Clause “...imposes [upon the States] the duty...to prescribe the time, place, and manner of electing Representatives and Senators[...].” Id. at 8. And, while, as the Court noted, “[t]he power of Congress over the ‘Times, Places, and Manner’ of congressional elections 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 reg-
ulations 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 Con-
gress. Congress’ authority has never extended to the
day-to-day authority over the “Times, Places and
Manner of Election” that the Constitution clearly re-
serves to the States.

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

Subtitle B—Voluntary Consider-
ations 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 “VOT-
ERS Act”.

SEC. 112. FINDINGS.

Congress finds the following:

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

(2) Under America’s decentralized election sys-
tem, there is not a one-size-fits-all approach to how
elections are administered.
(3) Each State should be afforded the flexibility to implement election administration processes and procedures that are most beneficial in meeting the needs of its voters and ensuring that its elections are free, fair, and secure.

(4) The Federal government is in a position to provide States with voluntary tools to improve election integrity and voter confidence, as well as removing Federal impediments that hinder State efforts.

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

(6) The EAC’s Standards Board and Local Leadership Council are advisory boards with State and local election official membership from all fifty States and territories and are best suited to develop voluntary considerations for various election administration practices, processes, and procedures.
SEC. 113. ELECTION INTEGRITY VOLUNTARY CONSIDERATIONS AND FEDERAL FORUM FOR STATE INFORMATION SHARING.

(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 AND LOCAL LEADERSHIP COUNCIL WITH RESPECT TO ELECTION ADMINISTRATION.

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

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

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

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

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

“(C) the process for requesting and tracking the return of such ballots;

“(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; and

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

“(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 iden-
tity 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 counting.

“(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 and related nonvoting election technology (as defined in section 298C of the Help America Vote Act of 2002) prior to the use of such machines and technology in an election for Federal office, including education with respect to—
“(A) how such machines and technology are tested for accuracy, logic, and security; and

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

“(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.

“(10) Public education, access, and citizen oversight and input with respect to the certification and testing of voter machines prior to Federal elections.

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

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

“(13) Accountability measures to ensure compliance by election administrators with applicable law.

“(c) RELEASE OF VOLUNTARY CONSIDERATIONS.—

“(1) DEADLINE FOR RELEASE.—Not later than 12 months after the date of the enactment of the ACE Act, the Standards Board shall release voluntary considerations with respect to each of the categories described in subsection (b).
“(2) **TRANSMISSION AND NOTIFICATION REQUIREMENTS.**—Not later than 15 days after the date the Standards Board releases voluntary considerations with respect to a category described in subsection (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, the chair and ranking minority member of the Committee on Rules and Administration of the Senate, and the chairs and ranking minority members of other relevant committees of Congress.

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

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

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

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

(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 sec-
tion 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 2023” or the “NO VOTE for Non-Citizens Act of 2023”.

(b) FINDINGS; SENSE OF CONGRESS.—

(1) FINDINGS.—Congress finds the following:

(A) Every eligible American citizen 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 Amend-
ment, 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, directly and indirectly impacts Federal policy and funding decisions and candidate choice through the election of State and local officials, dilutes 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.

(c) 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(e)(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 individ-
uals 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.—Notwith-
standing 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 Amer-
ican Confidence in Elections Act) in a State or local juris-
diction 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 con-
tents of such Act is amended by adding at the end
the following new item:

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

(g) Promoting Provision of Information by
Federal Entities.—

(1) In General.—

(A) Requirement.—Each entity of the
Federal government which maintains informa-
tion 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.

(B) Prohibiting Fees.—The head of an entity described in subparagraph (A) may not charge a fee for responding to an election official’s request under such subparagraph.

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

(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 1 year, or both.”.

(2) **Effective Date.**—This subsection and the amendments made by this subsection shall apply with respect to elections held 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.

“(4) Nothing in this subsection may be construed to waive the requirement that a State make the records maintained pursuant to paragraph (1) publically available, without regard to whether or not the records are maintained in whole or in part, or were provided to the State or a political subdivision of the State, by a nongovernmental organization or other private entity.”;

(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 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 amended—

(1) in paragraph (1), by inserting “, except that a State may, in addition to the criteria stated in section 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 Consti-
tution (article II, section 1, clause 2), and
the Seventeenth Amendment.

(H) The Fifteenth Amendment, the Nineteen-
th Amendment, the Twenty-Fourth Amend-
ment, 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 author-
ity, including under the aforementioned amend-
ments, to pass statutes preventing non-citizens
from voting in Federal elections, and did so
with the Illegal Immigration Reform and Immi-
grant Responsibility Act of 1996.

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

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

(A) the States should implement the sub-
stance of the recommendation of the Carter-
Baker Commission that, “[t]o ensure that per-
sons presenting themselves at the polling place
are the ones on the registration list, the Com-
mission recommends that states [encourage]
voters to use the REAL ID card, which was
mandated in a law signed by the President in
May 2005’’; and

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

(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 sec-
tion 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 cer-
tain 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 sec-
tion may be construed as prohibiting a State from impos-
ing 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 ef-
fect on January 1, 2025.”.

(b) Conforming Amendments Relating to Ex-
isting 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)(i), 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 2023” or the “COCOA Act of 2023”.

(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

(2) 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 violate the privacy of a voter, 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 elec-
tion is contested in the House of Representatives or the
Senate and for other purposes permitted by article 1, sec-
tion 5 of the Constitution of the United States.”.

(d) Conforming Amendment Relating to En-
forcement.—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 sec-
tions 305 and 306 as relating to sections 306 and
307; and

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

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

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

(a) Permitting Use of Payments for Audits.—
Section 251(b)(1) of the Help America Vote Act of 2002
(52 U.S.C. 21001(b)(1)) is amended by inserting “, in-
cluding to conduct and publish an audit of the effective-
ness and accuracy of the voting systems, nonvoting elec-
tion technology (as defined in section 298C), election pro-
cedures, and outcomes used to carry out an election for
Federal office in the State and the performance of the
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State and local election officials who carried out the election, but only if the audit meets the requirements of paragraph (4)” after “requirements of title III”.

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

“(4) REQUIREMENTS FOR AUDITS CONDUCTED WITH REQUIREMENTS PAYMENTS.—An audit described in paragraph (1) meets the requirements of this paragraph if—

“(A) no individual who participates in conducting the audit is an employee or contractor of an office of the State or local government which is responsible for the administration of elections for Federal office or of a subsidiary or affiliate of such an office;

“(B) the audit includes an examination of compliance with established processes for voter registration, voter check-in, voting, tabulation, canvassing, post-election proceedings (such as recounts and recanvasses), and reporting of results.”.

(e) SENSE OF CONGRESS REGARDING TIMING OF AUDITS.—It is the sense of Congress that post-election audits of the effectiveness and accuracy of the voting systems,
election procedures, and outcomes used to carry out an election for Federal office in a State and the performance of the State and local election officials who carried out the election are most effective when the audits are completed before the expiration of the period during which persons are authorized under State law to challenge the results of the election.

SEC. 128. INCREASE IN THRESHOLD FOR REQUIRING INFORMATION REPORTING WITH RESPECT TO CERTAIN PAYEES.

(a) In General.—Sections 6041(a) of the Internal Revenue Code of 1986 is amended by striking “$600” and inserting “$5,000”.

(b) Inflation Adjustment.—Section 6041 of such Code is amended by adding at the end the following new subsection:

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

“(1) such dollar amount, multiplied by

“(2) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting ‘calendar year 2023’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.
If any increase under the preceding sentence is not a multiple of $100, such increase shall be rounded to the nearest multiple of $100.”

(c) Application to Reporting on Remuneration for Services and Direct Sales.—Section 6041A of such Code is amended—

(1) in subsection (a)(2), by striking “is $600 or more” and inserting “equals or exceeds the dollar amount in effect for such calendar year under section 6041(a)”, and

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

(d) Application to Backup Withholding.—Section 3406(b)(6) of such Code is amended—

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

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

(e) Conforming Amendments.—
(1) The heading of section 6041(a) of such Code is amended by striking “OF $600 OR MORE” and inserting “EXCEEDING THRESHOLD”.

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

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

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 nonvoting election technology, taking into account the recommendations of the Standards Board and the Local Leadership Council of the Commission 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 AND LOCAL LEADERSHIP COUNCIL.

“(a) Duties.—The Standards Board and the Local Leadership Council of the Commission 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 and the Local Leadership Council in carrying out their 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 CIS.——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 up-
grade nonvoting election technology so that the technology
is in compliance with such guidelines, and may, notwith-
standing any other provision of law, use any unobligated
grant funding provided to the State by the Election Assist-
ance Commission from amounts appropriated under the
heading ‘Independent Agencies—Election Assistance
Commission—Election Security Grants’ in title V of divi-
sion C of the Consolidated Appropriations Act, 2020 (Pub-
lic Law 116–93) for the purposes of enhancing election
technology and making election security improvements
until December 31, 2024.

“SEC. 298C. NONVOTING ELECTION TECHNOLOGY DEFINED.

“In this subtitle, the term ‘nonvoting election tech-
nology’ 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 vot-
er’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 and Local Leadership Council.

“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 2025),
the Director of the National Institute of Standards and
Technology shall submit to Congress a status report de-
scribing—

“(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 Direc-
tor 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 dur-
ing 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 2023”.

(b) IN GENERAL.—Section 501(c)(3) of the Internal

Revenue Code of 1986 is amended—

(1) by striking “and which does not partici-

pate” and inserting “which does not participate”,

and

(2) by striking the period at the end and insert-

ing “and which does not provide direct funding to

any State or unit of local government for the pur-

pose of the administration of elections for public of-

fice or any funding to any State or unit of local gov-

government in a case in which it is reasonable to expect

such funding will be used for the purpose of the ad-

ministration 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, 2025.

**SEC. 132. FEDERAL AGENCY INVOLVEMENT IN VOTER REGISTRATION ACTIVITIES.**

(a) **Short Title.**—This section may be cited as the “Promoting Free and Fair Elections Act of 2023”.

(b) **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, and any contract or arrangement entered into by an agency to carry out activities pursuant to sections 3 and 4 of such Executive Order shall be abrogated.

(c) **Agreements With Nongovernmental Organizations.**—None of the funds made available for the salaries and expenses of an agency may be used to solicit or enter into an agreement with a nongovernmental organization to conduct voter registration or voter mobilization activities, including registering voters or providing any person with voter registration materials, absentee or vote-by-mail ballot applications, voting instructions, or candidate-related information, on the property or website of the agency.
(d) Report on Prior Voter Registration and Mobilization Activities.—Not later than 30 days after the date of enactment of this Act, the head of each agency shall submit to the appropriate congressional committees a report describing the activities carried out by the agency pursuant to sections 3 and 4 of Executive Order 14019 (86 Fed. Reg. 13623).

(e) Prohibiting Voter Registration and Mobilization in Federal Work-study Programs.—Section 443(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1087–53(b)(1)) is amended—

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

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

“(D) does not involve registering or mobilizing voters on or off the campus of the institution; and”.

(f) Definitions.—In this section:

(1) Agency.—The term “agency” has the meaning given the term in section 3502(1) of title 44, United States Code.
(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Rules and Administration of the Senate;

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

(C) the Committee on House Administration of the House of Representatives; and

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

SEC. 133. 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 elec-
tion, 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”;

(3) 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) \textbf{Prohibition on Federal Funds for Election Administration for States Allowing Collection and Transmission of Ballots by Certain Third Parties.}—

(1) \textbf{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:

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

“(a) \textbf{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.
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\end{verbatim}
“(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. 134. 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—

(1) by inserting “including records and papers of envelopes used to deliver voted ballots by mail and scanned, electronically preserved records of envelopes used to deliver blank ballots or absentee ballot requests or used for any purpose other than delivering voted ballots, ballots, ballot images, chain of custody records, cast vote records, logic and accuracy test results and equipment certification, and other materials related to the Federal election that would be essential for conducting a post-election audit” after “requisite to voting in such election,”; and

(2) by inserting after “shall devolve upon such custodian.” the following: “Such records and papers shall be considered public records available for reasonable public inspection, including at a minimum, as defined the law of the State in which the election is held, the candidates appearing on the ballot in the
election, political parties whose candidates appeared
on the ballot in the election, and any individuals au-
thorized to observe the election.”

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

(a) Preferences for Veterans and Individuals
With Disabilities.—

   (1) Preferences.—In hiring election workers
to administer an election in a State or local jurisdi-
tion, the State or local jurisdiction may give pref-
ERENCE to individuals who are veterans or individuals
with a disability.

   (2) Individual with a Disability De-
   fined.—In this subsection, an “individual with a
disability” means an individual with an impairment
that substantially limits any major life activities.

(b) Preference and Waiver of Residency Re-
qu irement for Spouses and Dependants of Absent
Military Voters.—

   (1) Sense of Congress.—It is the sense of
Congress that, in hiring election workers to admin-
ister an election in a State or local jurisdiction, the
State or local jurisdiction—
(A) should give preference to an individual who is a nonresident military spouse or dependent; and

(B) should not refuse to hire such an individual as an election worker solely on the grounds that the individual does not maintain a place of residence in the State or local jurisdiction.

(2) Inclusion of Information

Election Assistance Commission Clearinghouse.—The Federal Election Commission shall include in any clearinghouse it maintains of procedures adopted by States with respect to the administration of Federal elections information on the procedures under which States hire nonresident military spouses or dependents as election workers, as described in paragraph (1).

(3) Nonresident Military Spouse or Dependent Defined.—In this subsection, a “nonresident military spouse or dependent” means an individual who is an absent uniformed services voter under section 107(1)(C) of the Uniformed and Overseas Citizen Absentee Voting Act (52 U.S.C. 20310(1)(C)).
SEC. 136. STATE ASSISTANCE IN ASSIGNING MAILING ADDRESSES WITH RESPECT TO TRIBAL GOVERNMENTS.

(a) IN GENERAL.—Upon request from a Tribal Government, the appropriate State executives of the State concerned shall assist the Tribal Government to assign a mailing address to each home and residence of the Tribal Government in the State that does not have a mailing address assigned to such home or residence and shall ensure that the State records include any such mailing address assigned and any mailing address previously assigned by such Tribal Government.

(b) DEFINITIONS.—In this section:

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

(2) 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).

(3) 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).
(4) TRIBAL GOVERNMENT.—The term “Tribal Government” means the recognized governing body of an Indian Tribe.

SEC. 137. STATE DEFINED.

(a) APPLICATION TO COMMONWEALTH OF NORTHERN MARIANA ISLANDS.—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”.

(b) CONFORMING AMENDMENTS.—Such Act is further amended as follows:

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

(2) Section 252(c)(2) (52 U.S.C. 21002(c)(2)) is amended by striking “or the United States Virgin Islands” and inserting “the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands”.

SEC. 138. VOTER REGISTRATION FOR APPLICANTS WITHOUT DRIVER’S LICENSE OR SOCIAL SECURITY NUMBER.

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

(1) in clause (i), by striking “Except as provided in clause (ii), notwithstanding any other provision of law, an application” and inserting “An application”;

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

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

“(ii) SPECIAL RULE FOR APPLICANTS WITHOUT DRIVER’S LICENSE OR SOCIAL SECURITY NUMBER.—If an applicant for voter registration for an election for Federal office has not been issued a current and valid driver’s license or a social security number, the State shall assign the applicant a temporary number which shall be valid to identify the applicant for the purposes of voter registration only during the period that begins on the date the temporary number is assigned and ends 30 days after the date that the applicant re-
receives a current and valid driver’s license or a social security number. If the applicant fails to provide a driver’s license number or the last 4 digits of the social security number (as the case may be) to the State during the 30-day period that begins on the date the applicant receives such driver’s license or social security number, the applicant’s application for voter registration with respect to which the temporary number was assigned may not be accepted or processed by the State.”.

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

(a) Study Required.—The Comptroller General of the United States shall carry out a study on the feasibility and requirements for all voting equipment used in elections for Federal office to be manufactured and assembled in the United States, which shall include an assessment of the importance of maintaining a secure supply chain for such voting equipment.

(b) Submittal.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit a report containing the results of the study carried out under subsection (a) to—
(1) the appropriate congressional committees;
(2) the chief State election official of each State;
(3) the Election Assistance Commission; and
(4) the National Institute of Standards and Technology.

(e) SENSE OF CONGRESS.—It is the sense of Congress that it is in the national interest of the United States that equipment used for voting in American elections be developed, programmed, manufactured, and assembled within the United States under the authority of United States persons.

Subtitle A—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. STATEMENT OF CONGRESSIONAL AUTHORITY;
FINDINGS.

(a) STATEMENT OF CONGRESSIONAL AUTHORITY.—
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) pursuant to article I, section 8, clause 17
of the Constitution of the United States, which
grants Congress the exclusive power to enact legisla-
tion with respect to the seat of the government of
the United States;

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

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

(4) under other enumerated powers granted to
Congress.

(b) FINDINGS.—Congress finds the following:

(1) Voter identification requirements in the
District of Columbia are some of the weakest in the
country. Currently, voters in the District of Colum-
bia are required only to provide proof of residence
the first time they vote and are never asked to pro-
vide anything again.
(2) In the 2012 general election, the District of Columbia was wholly unprepared for early voters. Several polling locations featured only one or two voting machines. As a result, some voters waited in line for hours while others waited for hours only to be turned away as the polls closed.

(3) Following the 2012 general election, the executive director of the D.C. Board of Elections testified that missteps had taken place during the election. Voters complained that some precincts weren’t accessible for the disabled, while poorly trained employees ran sites elsewhere in the District. In other cases, voters were provided with ballots that were not correct for their addresses, allowing them to vote in races in other districts.

(4) In the District of Columbia’s 2014 April Democratic primary, voters had to wait several hours after polls closed before receiving meaningful election returns because of problems with voting machines that led to an unusually lengthy and chaotic tabulation process.

(5) In the aftermath of that primary, while the District of Columbia originally blamed a handful of voting machines for late election results, the executive director later clarified that the issue came from
a broad computer network failure. As a result, on election night, ballots did not begin to be counted until 10:00 p.m. The executive director said “on election night, polling officials never really did determine the problem...” All this occurred despite record low turnout for the primary.

(6) Before the 2014 midterm election, the executive director hoped that ballot counting would be done before midnight but could not offer any promises based on the District of Columbia’s previous history.

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

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

(B) 37 of the 89 precincts inspected featured polling places not fully accessible to disabled voters. Some issues included missing or inoperable doorbells to alert poll workers that a wheelchair-bound voter needed assistance, as
well as a lack of accessible parking spaces and entrances.

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

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

(A) In 2015, the Board of Elections, as required under District law, sent out written notices to 260,000 inactive voters through the U.S. Postal Service in an attempt to maintain accurate voter registration rolls. 38,179, or almost fifteen percent of those postcards, were returned as undeliverable.

(B) The Office of the Auditor took a sample of thirty-three decedents who had died between January of 2011 and December of 2014. The audit found that all of the thirty-three decedents were still on the District’s voter registration rolls.
(C) The District of Columbia is a member of the Electronic Registration Information Center (ERIC). According to ERIC, 13,651 voters were registered in the District of Columbia and another jurisdiction. The D.C. Board of Elections contacted every voter with a duplicate registration. 6,000 voters confirmed they now resided outside the District of Columbia and the other 7,651 or 56 percent of voters with a duplicate registration did not respond.

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

(10) In 2020, voting in the District of Columbia for the June primary election was fraught with problems. Some voters waited in line for hours, and thousands of voters who requested absentee mail-in ballots never received them. As a result, the District of Columbia allowed voters that never received their
absentee ballot to cast their ballots via unsecured email. During the Committee on House Administration and Committee on Oversight and Accountability joint hearing titled “American Confidence in Elections: The Path to Election Integrity in the District of Columbia”, witnesses called by Republicans and Democrats both agreed that casting a ballot via unsecured email raised serious security and voter identification concerns.

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

(12) Even after mailing every registered voter a ballot in the 2020 general election, the District of Columbia had lower voter turnout rates than states like Florida, Ohio, and Georgia. In 2020, the District of Columbia reported a roughly 64 percent turnout while Florida reported 77 percent, Ohio reported roughly 74 percent, and Georgia reported 66 percent.
(13) In 2022, the District of Columbia Board of Elections mailed every registered voter a ballot for the midterm primary election. Voters were still allowed to vote in person. The Board mailed 402,323 ballots, and 65,398 ballots, or about sixteen percent, were undeliverable. This is an increase of 17,380 in undeliverable ballots between the 2020 general election and the 2022 primary election.

(14) In 2022, the District of Columbia Board of Elections mailed every registered voter a ballot for the November general election. Voters were still allowed to vote in person. The Board mailed 508,543 ballots, and 87,921 were undeliverable. The rate of undeliverable ballots mailed out for the general election in 2022 was seventeen percent, an increase of about six basis points from the 2020 election. In addition, the District of Columbia mailed over 500 voters an incorrect ballot. At the time of the 2022 election, the COVID–19 pandemic was largely over, allowing voters to vote in person without issue, unlike during the 2020 election.

(15) Despite mailing every registered voter a ballot in the 2022 midterm election, the District of Columbia had far lower voter turnout rates than states like Florida, Georgia, and Ohio. In 2022, the
District of Columbia reported roughly 40 percent turnout while Florida reported 54 percent, Ohio reported 52 percent, and Georgia reported roughly 57 percent.

(16) The Local Resident Voting Rights Amendment Act of 2022 allows noncitizen green-card holders and illegal aliens to cast a ballot in local races, as long as the non-citizen voter is at least eighteen years of age and has resided in the District of Columbia for thirty days. The law will take effect in 2024. Estimates as to the number of non-citizens of voting age living in the District of Columbia range from 21,000 to 42,000, potentially half of whom are illegal aliens. Even according to the low estimates, there are more than enough non-citizens of voting age living in the District of Columbia to impact election outcomes in some wards.

SEC. 143. 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 sub-
title:

“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 identifi-
cation 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 Sec-
ondary 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 High-
er 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 sub-
mits a document or other written information from
a third party which—

“(A) provides the address of the individ-
ual’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 pho-
to 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 institu-
tion, 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 election are reported to the public not later than 12 hours after the closing of polls on 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 individ-
ual’s provisional ballot shall not be counted in the election
unless the individual demonstrates pursuant to the re-
quirements under section 302 that the individual is a reg-
istered 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.—
“(1) REQUIREMENT.—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,
nonvoting election technology (as defined in section
298C), election procedures, and outcomes used to
carry out the election and the performance of the
election officials who carried out the election, 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.

“(2) INDEPENDENCE OF AUDITOR.—No indi-
vidual who participates in conducting the audit re-
quired under this section may be an employee or contractor of an office of the District of Columbia which is responsible for the administration of District of Columbia elections or of a subsidiary or affiliate of such an office.

“SEC. 329. PUBLIC OBSERVATION OF ELECTION PROCEDURES.

“(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 CANDIDATES, POLITICAL PARTIES, AND COMMITTEES AFFILIATED WITH BALLOT INITIATIVES.—

“(1) AUTHORITY TO OBSERVE PROCEDURES.—

An individual who is not a District of Columbia election 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 election, a political party, or a committee affiliated with a ballot initiative or referendum in the election.

“(2) AUTHORITY AND PROCEDURES DESCRIBED.—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 elec-
tion or on any day prior to the date of the elec-
tion on which ballots are cast at early voting
sites, and may challenge the casting or tabula-
tion of any such ballot.

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

“(C) The individual may observe the re-
count of the results of the election at any loca-
tion at which the recount is held, and may chal-
lenge the tabulation of any ballot tabulated pur-
suant 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 ob-
serve 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 either 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. PROHIBITING THE USE OF RANKED CHOICE VOTING.

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

“(b) PROHIBITION.—The District of Columbia may not carry out a District of Columbia election using a system of ranked choice voting under which each voter shall rank the candidates for the office in the order of the voter’s preference.

“SEC. 334. EARLY VOTING.

“(a) REQUIRING EARLY VOTING.—

“(1) IN GENERAL.—The District of Columbia shall allow individuals to vote in person in a District of Columbia election during an early voting period which occurs prior to the date of the election, in the
same manner as in person voting is allowed on such date.

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

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

“SEC. 335. 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:

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“Subtitle C—Requirements for Elections in District of Columbia

“Sec. 321. Statement of Congressional authority; findings.
“Sec. 322. Requirements for photo identification.
“Sec. 323. Requirements for voter registration.
“Sec. 324. Ban on collection and transmission of ballots by certain third parties.
“Sec. 325. Timely processing and reporting of results.
“Sec. 326. Ban on noncitizen voting.
“Sec. 327. Requirements with respect to provisional ballots.
“Sec. 328. Mandatory post-election audits.
“Sec. 329. Public observation of election procedures.
“Sec. 330. Requirements for voting by mail-in ballot.
“Sec. 331. Requirements with respect to use of drop boxes.
“Sec. 332. Special rule with respect to application of requirements to Federal elections.
“Sec. 333. Prohibiting the use of ranked choice voting.
“Sec. 334. Early voting.
“Sec. 335. District of Columbia election defined.
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4 SEC. 144. REPEAL OF LOCAL RESIDENT VOTING RIGHTS AMENDMENT ACT OF 2022.

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

10 SEC. 145. 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 143(a).
Subtitle B—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 2023”.

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 administration, 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 2024 through 2026”; 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 lesser of the amount of $176,300, 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, or 90 percent of the annual rate of pay for a member of the Federal Election Commission (but in no case lower than the rate applicable for the pay period occurring on the date of the enactment of the ACE Act)”;

(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 General Counsel 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.—In consultation with the Office of the Inspector General of the Commission, the Commission shall establish annually a budget and a number of full-time equivalent employees for the Office of the Inspector General which will ensure that the Office has sufficient funding and personnel to carry out the duties and responsibilities under section 404 of title 5, United States Code.”.
(f) **EFFECTIVE DATE.**—This section and the amendments made by this section shall take effect on October 1, 2025.

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

(a) **EXCLUSIVE AUTHORITY OF ELECTION ASSISTANCE COMMISSION TO MAKE ELECTION ADMINISTRATION PAYMENTS TO STATES.**—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 (including software), enhancing election and voting technology, and making election and voting security improvements, including with respect to cybersecurity and infrastructure (including software).

(b) **PROHIBITING USE OF PAYMENTS FOR GET-OUT-THE-VOTE-ACTIVITY; OTHER REQUIREMENTS FOR PAYMENTS MADE BY COMMISSION.**—Subtitle D of title II of the Help America Vote Act of 2002 (52 U.S.C. 21001 et seq.) is amended by adding at the end the following new part:
“PART 7—GENERAL REQUIREMENTS FOR PAYMENTS

“SEC. 297. PROHIBITING USE OF PAYMENTS FOR GET-OUT-THE-VOTE-ACTIVITY.

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

“(b) Definition.—In this section, the term ‘get-out-the-vote activity’ means, with respect to a payment made to a State or unit of local government, any activity which, at the time the payment is made, is treated as get-out-the-vote-activity under the Federal Election Campaign Act of 1971 and the regulations promulgated by the Federal Election Commission to carry out such Act, or similar activity which is targeted, or may be reasonably assumed to be targeted, at particular voters and groups of voters on the basis of political affiliation, their expected votes, their place of residence, or some other demographic factor.”.

(c) Requiring Disclaimer in Communications.—Part 7 of subtitle D of title II of such Act, as added by subsection (b), is amended by adding at the end the following new section:
"SEC. 297A. REQUIRING COMMUNICATIONS FUNDED BY PAYMENTS TO INCLUDE DISCLAIMER.

(a) REQUIREMENT.—If a State or unit of local government disseminates a public communication which was developed or disseminated in whole or in part with a payment made to the State or a unit of local government by the Commission under this Act or any other Act, the State or unit of local government shall ensure that the communication includes, in a clear and conspicuous manner, the following statement: ‘Paid for using Federal taxpayer funds pursuant to the Help America Vote Act’.

(b) CLEAR AND CONSPICUOUS MANNER DESCRIBED.—A statement required under subsection (a) shall be considered to be in a clear and conspicuous manner if the statement meets the following requirements:

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

(A) appears in letters at least as legible as the majority of the text in the communication;

(B) is contained in a printed box set apart from the other contents of the communication; and
“(C) is printed with a reasonable degree of color contrast between the background and the printed statement.

“(2) AUDIO COMMUNICATIONS.—In the case of an audio communication, the statement is spoken in a clearly audible and intelligible manner at the beginning or end of the communication and lasts at least 3 seconds.

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

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

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

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

“(c) PUBLIC COMMUNICATION.—In this section, the term ‘public communication’ means a communication relating to the administration of an election for Federal office by means of any broadcast, cable, or satellite communication, Internet communication, newspaper, magazine,
outdoor advertising facility, mass mailing, or telephone
bank to the general public, or any other form of general
public advertising.

SEC. 297B. GUIDANCE ON USE OF PAYMENTS.

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

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

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

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

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

“(c) APPLICATION OF GUIDANCE TO AUDITS.—If the
Commission conducts any audit of the use of a payment
to a State or unit of local government, it shall base the
audit on the compliance of the State or unit of local government with the applicable guidance under this section and the applicable requirements of this Act.

“(d) Uniform Terms for Reports.—In cooperation and consultation with States, the Commission shall establish a set of uniform terms for States and units of local government to use for any reports submitted to the Commission on the use of payments made by the Commission under this Act or any other Act.”.

(d) Clerical Amendment.—The table of contents of such Act is amended by inserting at the end of the items relating to subtitle D of title II the following:

“PART 7—General Requirements for Payments

“Sec. 297A. Requiring communications funded by payments to include disclaimer.
“Sec. 297B. Guidance on use of payments.”.

(e) Effective Date.—This section and the amendments made by this section shall apply with respect to payments made on or after the date that is 30 days 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(e)) 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, 2025; 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 ASSISTANCE.

(a) IN GENERAL.—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.

(b) EXCLUSIVE AUTHORITY OF ELECTION ASSISTANCE COMMISSION TO DEVELOP VOLUNTARY GUIDELINES WITH RESPECT TO VOTING SYSTEMS AND NON-VOTING TECHNOLOGY.—No entity of the Federal Government other than the Election Assistance Commission may develop, adopt, issue, or oversee voluntary guidelines with respect to voting systems and any related nonvoting election technology, as defined in section 298C of the Help America Vote Act of 2002 (as added by section 129(b)) that are used in elections for Federal office.

SEC. 157. CLARIFICATION OF THE DUTIES OF THE ELECTION ASSISTANCE COMMISSION.

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

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

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

(2) in paragraph (1), by striking “including the maintenance of a clearinghouse of information on the experiences of State and local governments in implementing the guidelines and in operating voting
systems in general” and inserting “including, in co-
operation with and for the benefit of the States and
their political subdivisions, the maintenance and op-
eration of a Federal forum for the States and their
political subdivisions to discuss with other States
and their political subdivisions their experiences with
election administration processes, equipment, oper-
ations, training, and scheduling, as well as any other
useful information relating to State administration
of elections for Federal office (as described in sub-
section (b))”; 

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

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

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

“(1) MEMBERSHIP.—The membership of the
Federal forum described in paragraph (1) of sub-
section (a) shall be comprised of the membership of
the Standards Board and of the Local Leadership
Council.
“(2) MAINTENANCE OF CLEARINGHOUSE.—As part of such Federal forum, the Commission shall, on behalf of and for the benefit of the States and their political subdivisions, maintain and operation a national clearinghouse of relevant information developed by or provided to the Federal forum with respect to State administration of elections for Federal office. The Commission may also include other information related to election administration that it considers useful to State and local election administrators who administer elections for Federal office, except that the Commission may not endorse a private third party, the information provided or published by a private third party, or use such information in a way that suggests that the information was created or endorsed by the Commission.

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

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

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

“(3) prioritize such duties in all budget requests.”.
SEC. 158. ELECTION ASSISTANCE COMMISSION POWERS.

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

“(f) CONCURRENT TRANSMISSIONS TO CONGRESS.—

“(1) BUDGET ESTIMATE OR REQUEST.—Whenever the Commission submits any budget estimate or request to the President or the Director of the Office of Management and Budget, the Commission shall concurrently transmit a copy of such estimate or request to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

“(2) LEGISLATIVE RECOMMENDATION, TESTIMONY, OR COMMENTS.—Whenever the Commission submits any legislative recommendation, testimony, or comments on legislation requested by Congress or by any Member of Congress to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to Congress or to the Member of Congress involved (as the case may be). No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, testimony, or comments on legislation to any office or agency of the United States for approval, comments, or review.
prior to the submission of such recommendations, testimony, or comments to the Congress or Member of Congress under the previous sentence.”.

SEC. 159. MEMBERSHIP OF THE LOCAL LEADERSHIP COUNCIL.

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

“SEC. 248. MEMBERSHIP OF THE LOCAL LEADERSHIP COUNCIL.

“In appointing members of the Local Leadership Council, the Commission shall ensure that members who represent the same State are not of the same political affiliation in their professional capacities and should reflect the goal of soliciting diverse opinions and ideas.”.

SEC. 160. RULE OF CONSTRUCTION.

Nothing in this subtitle or the amendments made by this subtitle shall be construed as providing the Election Assistance Commission with additional regulatory authority, other than the regulatory authority required to carry out the requirements and duties under this subtitle and the amendments made by this subtitle.
Subtitle C—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 “American Confidence in Elections: Keeping Foreign Money out of Politics Act”.

(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 $250,000, imprisoned for not more than 5 years, 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)).”.

(c) 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 donations made on or after the date of the enactment of this Act.

SEC. 162. PROHIBITING PROVIDING ASSISTANCE TO FOREIGN NATIONALS IN MAKING CONTRIBUTIONS OR DONATIONS IN CONNECTION WITH ELECTIONS.

(a) PROHIBITION.—Section 319(a) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(a)) is amended—

(1) in paragraph (1)(C), by striking “or” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; or”; and
(3) by adding at the end the following new paragraph:

“(3) a person to knowingly help or assist a foreign national in violating this subsection.”.

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

SEC. 163. PROHIBITION ON CONTRIBUTIONS TO POLITICAL COMMITTEES BY CERTAIN TAX EXEMPT ENTITIES.

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

(1) in paragraph (2), by striking “or” at the end;

(2) in paragraph (3), by striking the period at the end and inserting a semicolon; and

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

“(4) an organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code which is otherwise permitted to make a contribution to a political committee and which has received a
contribution or donation of money or other thing of value from a foreign national to make a contribution to a political committee during the 4-year period which begins on the date that the most recent such contribution or donation was received by the organization; or

“(5) a political committee to accept a contribution or donation of money from an organization that is described in section 501(e) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code which is unlawful for the organization to make under paragraph (4).”.

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

Subtitle D—Constitutional Experts Panel With Respect to Presidential Elections

SEC. 171. SHORT TITLE.

This subtitle may be cited as the “Solving an Overlooked Loophole in Votes for Executives (SOLVE) Act”.

SEC. 172. ESTABLISHMENT OF PANEL OF CONSTITUTIONAL EXPERTS.

(a) Establishment.—There is established the “Twentieth Amendment Section Four Panel” (in this section referred to as the “Panel”).

(b) Membership.—

(1) In general.—The Panel shall be composed of 6 constitutional experts, of whom—

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

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

(C) 1 shall be appointed jointly by the majority and minority leader of the Senate;

(D) 1 shall be appointed by the Speaker of 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

SEC. 200. SHORT TITLE.

This title may be cited as the “American Confidence in Elections: Military Voting Rights Study Act of 2023”.

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 14 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. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON IMPLEMENTATION OF UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT AND IMPROVING ACCESS TO VOTER REGISTRATION INFORMATION AND ASSISTANCE FOR ABSENT UNIFORMED SERVICES VOTERS.

(a) In General.—The Comptroller General of the United States shall conduct—

(1) an analysis of 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; and

(2) a study on means for improving access to voter registration information and assistance for
members of the Armed Forces and their family members.

(b) **ELEMENTS.**—

(1) **ANALYSIS.**—The analysis required by subsection (a)(1) shall include analysis of the following:

(A) Data and information pertaining to the transmission of ballots to absent uniformed services voters.

(B) Data and information pertaining to the methods of transmission of voted ballots from absent uniformed services voters, including the efficacy and security of such methods.

(C) Data and information pertaining to the treatment by election officials of voted ballots transmitted by absent uniformed services voters, including—

(i) the rate at which such ballots are counted in elections;

(ii) the rate at which such ballots are rejected in elections; and

(iii) the reasons for such rejections.

(D) An analysis of the effectiveness of the assistance provided to absent uniformed services voters by Voting Assistance Officers of the
Federal Voting Assistance Program of the Department of Defense.

(E) A review of the extent of coordination between Voting Assistance Officers and State and local election officials.

(F) Information regarding such other issues relating to the ability of absent uniformed services voters to register to vote, vote, and have their ballots counted in elections for Federal office.

(G) Data and information pertaining to—

(i) the awareness of members of the Armed Forces and their family members of the requirement under section 1566a of title 10, United States Code, that the Secretaries of the military departments provide voter registration information and assistance; and

(ii) whether members of the Armed Forces and their family members received such information and assistance at the times required by subsection (c) of that section.

(2) STUDY.—The study required by subsection (a)(2) shall include the following:
(A) An assessment of potential actions to be undertaken by the Secretary of each military department to increase access to voter registration information and assistance for members of the Armed Forces and their family members.

(B) An estimate of the costs and requirements to fully meet the needs of members of the Armed Forces for access to voter registration information and assistance.

(c) METHODS.—In conducting the analysis and study required by subsection (a), the Comptroller General shall, in cooperation and consultation with the Secretaries of the military departments—

(1) use existing information from available government and other public sources; and

(2) acquire, through the Comptroller General’s own investigations, interviews, and analysis, such other information as the Comptroller General requires to conduct the analysis and study.

(d) REPORT REQUIRED.—Not later than September 30, 2025, the Comptroller General shall submit to the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives a report on the analysis and study required by subsection (a).
(e) DEFINITIONS.—In this section:

(1) ABSENT UNIFORMED SERVICES VOTER.—
The term “absent uniformed services voter” has the meaning given that term in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20310).

(2) FAMILY MEMBER.—The term “family member”, with respect to a member of the Armed Forces, means a spouse and other dependent (as defined in section 1072 of title 10, United States Code) of the member.

TITLE III—FIRST AMENDMENT PROTECTION ACT

SEC. 300. SHORT TITLE.

This title may be cited as the “First Amendment Protection Act”.

Subtitle A—Protecting Political Speech and Freedom of Association

PART 1—PROTECTING POLITICAL SPEECH

SEC. 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 prohibited 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.

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, a communication shall be treated as a coordinated expenditure in connection with the campaign of a candidate only if the public communication is 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.”.

(c) 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
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(2) in paragraph (2)(B)(i), by striking “sub-
sections (b) and (d)” and inserting “subsection (b)”.

(d) EFFECTIVE DATE.—The amendments made by
this section shall apply with respect to elections held dur-
ing 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
Act of 1971 (52 U.S.C. 30116(a)(3)) to be unconstitu-
tional.

(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).

(c) 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 2024—
“(i) a limitation 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 2024.”.

(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)”;

(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;

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

“(C) expenses incurred with respect to carrying out local, county, or district conventions or proceedings to elect delegates to a State party convention.”.

(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).

(e) 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 adding at the end the following new sentence: “In the case of a person described in subsection (b), the previous sentence applies only if the amount was spent by such person in coordination with a candidate for election for Federal office or an authorized committee 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.**—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 Activities by Multiple Political Committees.**

(a) **Findings.**—Congress finds the following:

(1) While Federal law permits the Federal
Election Commission to engage in certain “gap-fill-
ing” 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 du-
plicate the provisions of the Act, they also impose
additional and unnecessary burdens on political com-
mittees which seek to engage in joint fundraising ac-
tivities, such as a requirement for written agree-
ments 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.”.

PART 2—PROTECTING FREEDOM OF ASSOCIATION

SEC. 307. FINDINGS.

Congress finds the following:

(1) The First Amendment of the United States Constitution provides that “[C]ongress shall make
no law respecting an establishment of religion, or
prohibiting the free exercise thereof; or abridging the
freedom of speech, or of the press; or the right of
the people peaceably to assemble, and to petition the
Government for a redress of grievances.” See U.S.
Const. Amend. I.

(2) The Supreme Court has held that the First
Amendment’s protections apply with equal force to
States and localities as it does to the Federal gov-
ernment. See Gitlow v. New York, 268 U.S. 652
(1925).

(3) The Supreme Court has held that “implicit
in the right to engage in activities protected by the
First Amendment [lies] a corresponding right to as-
sociate with others.” Roberts v. United States Jay-
cees, 468 U. S. 609, 622 (1984). This is commonly
understood as the right of association. It furthers “a
wide variety of political, social, economic, edu-
cational, religious, and cultural ends,” and “is espe-
cially important in preserving political and cultural
diversity and in shielding dissident expression from
suppression by the majority.” Id.

(4) In NAACP v. Alabama ex rel. Patterson, 357
U.S. 449 (1958), the Supreme Court held the First
Amendment’s freedom of association protected the
National Association for the Advancement of Colored People from compelled disclosure of its members. This was because “on past occasions revelation of the identity of its rank-and-file members has exposed these members to economic reprisal, loss of employment, threat of physical coercion, and other manifestations of public hostility. Under these circumstances…it [is] apparent that compelled disclosure of petitioner’s Alabama membership is likely to affect adversely the ability of petitioner and its members to pursue their collective effort to foster beliefs which they admittedly have the right to advocate, in that it may induce members to withdraw from the Association and dissuade others from joining it because of fear of exposure of their beliefs shown through their associations and of the consequences of this exposure.” *Id.* at 462–463.


(6) Most recently, in Americans for Prosperity Foundation v. Bonta, 141 S. Ct. 2373 (2021), a California law required Americans for Prosperity Foundation and the Thomas Moore Law Center to disclose the names, contribution amounts, and addresses of their major donors. Id. at 2380. The Supreme Court held this substantial intrusion into the group’s donors was unconstitutional. Id. at 2389. While Attorney General Bonta argued these disclosures were needed so California could prevent wrongdoing by charitable organizations, there was “not a single, concrete instance in which pre-investigation collection of [this information] did anything to advance the Attorney General’s investigative, regulatory or enforcement efforts.” Id. at 2386. Similarly, California’s need for this information before initiating an investigation was highly questionable as it was only one of three states to impose this requirement and did not seriously enforce it until 2010. Id. at 2387.

(7) In short, Americans for Prosperity Foundation and NAACP both stand for the proposition that
compelled disclosure of an organization’s members can violate an organization’s freedom of association. This is because “effective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association” and there is a “vital relationship between freedom to associate and privacy in one’s associations...” See Id. at 2382 citing NAACP v. Alabama ex rel. Patterson, 357 U.S. 449, 460–462.

(8) Unfortunately, the First Amendment’s freedom of association protections are under constant attack. Recently, there have been efforts to enlarge the size of the Supreme Court because of disagreement with some of its rulings and personal disagreement with some of the justices.

(9) On April 9, 2021, the President issued Executive Order 14023 that created the Presidential Commission on the Supreme Court (the Commission). Under Section 3(iii) of that Executive Order, the Commission was tasked with providing “[a]n analysis of the principal arguments in the contemporary public debate for and against Supreme Court reform, including an appraisal of the merits and legality of particular reform proposals.”
(10) In December 2021, the Commission released its final report. On the issue of adding justices to the Supreme Court, the Commission concluded “[m]irroring the broader public debate, there is profound disagreement among Commissioners on this issue.”

(11) Unfortunately, even though the President’s Commission would not endorse adding the number of justices on the Supreme Court, some in Congress still believe it is necessary. See, for example, H.R. 3422, the Judiciary Act of 2023 that would add four associate justices to the Supreme Court.

(12) Because of this political uncertainty and the importance that donors in all organizations, no matter their party affiliation, are protected from having their membership disclosed and threats of reprisal that would follow, it is important that Congress statutorily codifies the Supreme Court’s holdings in *NAACP v. Alabama ex rel. Patterson* and *Americans for Prosperity Foundation v. Bonta*.

(13) Government targeting of tax-exempt organizations because of disagreement with their political views is sadly not a hypothetical problem. From 2010 through 2013, the Internal Revenue Service (IRS) intentionally discriminated against conserv-
ative organizations seeking tax-exempt status with words like “patriot” or “Tea Party” in their names.

(14) After years of litigation, in October 2017, the IRS signed a consent decree in Federal court and admitted to targeting conservative organizations from 2010 through 2013. The IRS confessed that “its treatment of [conservative organizations] during the tax-exempt determinations process, including screening their applications based on their names or policy positions, subjecting those applications to heightened scrutiny and inordinate delays, and demanding of some Plaintiffs’ information that TIGTA [U.S. Treasury Inspector General, Tax Administration] determined was unnecessary to the agency’s determination of their tax-exempt status, was wrong.”.

(15) It is antithetical to the First Amendment that the IRS or any Federal government agency would ever be used to target an organization because of its political beliefs, or who its donors might be. As such, these organizations need to be protected to prevent events like what transpired at the IRS between 2010 and 2013.
SEC. 308. PROTECTING PRIVACY OF DONORS TO TAX-EXEMPT ORGANIZATIONS.

(a) SHORT TITLE.—This section may be cited as the “Speech Privacy Act of 2023”.

(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 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 disclose the information, but only to the ex-
tent permitted by the lawful order of such court
or administrative body.

(E) An entity which discloses the informa-
tion as authorized by the organization.

(d) Tax-exempt Organization Defined.—In this
section, a “tax-exempt organization” means an organiza-
tion 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 punish-
ment, be dismissed from office or discharged from employ-
ment upon conviction for such offense.

SEC. 309. 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.—Subpara-
graph (C) of section 6033(a)(3) of the Internal Rev-
enue 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 subsection, 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 ending after the date of the enactment of this Act.

(d) Reporting of Names and Addresses of Contributors.—

(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: “Except 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 organization.”.

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

(A) by striking “and” 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) 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. 310. 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 (b) 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 organizations created on, before, or after such date.
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. ELECTRONIC FILING OF ELECTIONEERING COMMUNICATION REPORTS.


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 established 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 following 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 nomination, 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 Committee 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 2024—

“(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 2024.”.

(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(c), is amended—

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

“(F) In any calendar year after 2024—

“(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”; and

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

“(v) for purposes of section 304(c)(1), calendar year 2024.”.

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

SEC. 324. INCREASED QUALIFYING THRESHOLD WITH RESPECT 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(c), and 323(b), is amended—

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

“(G) In any calendar year after 2024—

“(i) a threshold established by sections 301(2) 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 (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), calendar year 2024.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections held during 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)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to independent ex-
penditures 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(e), 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 2024—

“(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 2024.”.

(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 an-
other 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 applica-
tion, unless the communication or advertising is dissemi-
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(9)(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(8)(B)), 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.

(a) FINDINGS.—Congress finds the following:

(1) From 2010 through 2013, the Internal Revenue Service targeted conservative organizations seeking tax-exempt status. The result of this targeting was obvious—to discourage conservative orga-
nizations and individuals associated with them from engaging in the 2012 presidential election after an incredibly successful 2010 midterm election.

(2) In response to this treatment, a large number of conservative organizations sued the Internal Revenue Service. In 2017, a settlement was reached and the Internal Revenue Service was required to issue an apology for its actions.

(3) Congress quickly recognized that the Internal Revenue Service was not the only government agency that could question or threaten the tax-exempt status of disfavored political groups. The Securities and Exchange Commission, an independent government agency, also enjoys some regulatory power in this area.

(4) Beginning in 2015, Congress has included in every appropriations bill that has funded the Securities and Exchange Commission, an appropriations rider prohibiting the agency from using any of the funds made available to “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.” See Consolidated Appropriations Act, 2016, H.R. 2029, 114th Cong. § 1 (2015); Consoli-

(5) This prohibition is too important to be subject to yearly renewal. Instead, it must be enacted into permanent law so political organizations of both political parties can rest assured the Securities and Exchange Commission will not target them.

(b) PROHIBITION.—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. PERMITTING POLITICAL COMMITTEES TO MAKE DISBURSEMENTS BY METHODS OTHER THAN CHECK.

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 306(b), is amended by adding at the end the following new subsection:

Subsection 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. PERMITTING POLITICAL COMMITTEES TO MAKE DISBURSEMENTS BY METHODS OTHER THAN CHECK.

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 306(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 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, and including any applicable supporting documentation, including a will or trust document) 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 lawful 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, subject to the terms and conditions applicable to the disbursement 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 individual 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 candidate’s death, the authorized committee has a treasurer or a designated agent of the treasurer as described in section 302(a), unless the treasurer or designated agent is incapacitated or cannot be reached by the authorized committee.

“(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 paragraph, 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
1 reports of the disbursements of such funds under section
2 304(a).”.
3
4 (b) INCLUSION OF DESIGNATION IN STATEMENT OF
5 ORGANIZATION OF COMMITTEE.—Section 303(b) of such
6 Act (52 U.S.C. 30103(b)) is amended—
7
8 (1) in paragraph (5), by striking “and” at the
9 end;
10
11 (2) in paragraph (6), by striking the period at
12 the end and inserting “; and”;
13
14 (3) by adding at the end the following new
15 paragraph:
16 “(7) in the case of an authorized committee of
17 a candidate who has designated an individual under
18 section 302(k) (including a second individual des-
19 ignated to carry out the responsibilities of that indi-
20 vidual under such section in the event of that indi-
21 vidual’s death or incapacity or unwillingness to carry
22 out the responsibilities) to disburse funds from the
23 accounts of the committee in the event of the death
24 of the candidate, a copy of the statement filed by the
25 candidate with the Commission under such section
26 (as well as a copy of any subsequent statement of
27 revocation filed by the candidate with the Commiss-
28 ion under such section).”.
29
(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. Prohibiting Aiding or Abetting Making of 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.”.


(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—

(1) by striking “(4) Members” and inserting “(4)(A) Except as provided in subparagraph (B), members”;

(2) 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, which may not be varied or
suspended by executive action”; and
(3) by adding at the end the following:
“(B) A member who serves on the Commission after
the expiration of the member’s term because the member’s
successor has not taken office may not receive any in-
crease in compensation under this subsection for any pay
period occurring after the expiration of the 4-year period
which begins on the date of the expiration of the member’s
term. A member shall no longer be subject to the previous
sentence if the member is appointed to a new term and
takes office pursuant to that appointment.
“(C) A member shall be permitted to hold a position
at an institution of higher education (as such term is de-
 fined in section 101 of the Higher Education Act of 1965
(20 U.S.C. 1001) if—
“(i) the General Counsel of the Commission de-
termines that such position does not create a conflict
of interest with the member’s position as a sitting
member of the Commission and grants the member
approval to hold the position; and
“(ii) 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 member under this para-
graph.”.

SEC. 357. UNIFORM STATUTE OF LIMITATIONS FOR PRO-
CEEDINGS TO ENFORCE FEDERAL ELECTION
CAMPAIGN ACT OF 1971.

(a) 5-YEAR LIMITATION.—Section 406(a) of the Fed-
eral 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 occur-
ing on or after the date of the enactment of this Act.

SEC. 358. THEFT FROM POLITICAL COMMITTEE AS A FED-
ERAL CRIME.

(a) FEDERAL CRIME.—Chapter 29 of title 18, United
States Code, as amended by section 161(b), is amended
by adding at the end the following new section:
§ 613. Theft from political committee

(a) IN GENERAL.—It shall be unlawful to remove, without appropriate authorization, any funds or any other item of value from an account maintained for the benefit of a candidate for Federal office or the candidate’s political committee (as such term is defined in section 301 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101)).

(b) PENALTY.—Any person who violates subsection (a) shall be fined not more than $250,000, imprisoned for not more than 5 years, or both.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 28 of title 18, United States Code, is amended by adding at the end the following new item:

“613. Theft from political committee.”

SEC. 359. REPEAL OF OBSOLETE PROVISIONS OF LAW.

(a) PROVISIONS HELD UNCONSTITUTIONAL.—

(1) MEMBERSHIP OF SECRETARY OF SENATE AND CLERK OF HOUSE ON FEDERAL ELECTION COMMISSION.—Section 306(a)(1) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30106(a)(1)) is amended by striking “the Secretary of the Senate and the Clerk of the House of Representatives or their designees, ex officio and without the right to vote, and”.
(2) Choice of independent or coordinated expenditures by political parties.—
Section 315(d) of such Act (52 U.S.C. 30116(d)) is amended—

(A) by striking paragraph (4) and redesignating paragraph (5) as paragraph (4);

(B) in paragraph (4), as so redesignated, by striking “paragraphs (2), (3), and (4)” and inserting “paragraphs (2) and (3)”;

(C) in paragraph (1), by striking “paragraphs (2), (3), and (4)” and inserting “paragraphs (2) and (3)”.


(4) Increase in contribution limits for candidates in response to personal fund expenditures by opponents.—


(B) Senate candidates.—Section 315 of such Act (52 U.S.C. 30116) is amended—

(i) by striking subsection (i); and
(ii) by redesignating subsection (j) as subsection (i).

(C) CONFORMING AMENDMENT RELATING TO NOTIFICATION.—Section 304(a)(6) of such Act (52 U.S.C. 30104(a)(6)) is amended—

(i) by striking subparagraphs (B), (C), and (D); and

(ii) by redesignating subparagraph (E) as subparagraph (D).

(D) CONFORMING AMENDMENT RELATING TO DEFINITIONS.—Section 301(25) of such Act (52 U.S.C. 30101(25)) is amended by striking “For purposes of sections 315(i) and 315A and paragraph (26), the term” and inserting “The term”.

(E) OTHER CONFORMING AMENDMENT.—Section 315(a)(1) of such Act (52 U.S.C. 30116(a)(1)) is amended by striking “Except as provided in subsection (i) and section 315A, no person” and inserting “No person”.

(5) ELECTIONEERING COMMUNICATIONS AND INDEPENDENT EXPENDITURES BY CORPORATIONS AND LABOR ORGANIZATIONS.—Section 316 of such Act (52 U.S.C. 30117) is amended—
(A) in subsection (b)(1), by striking “or for any applicable electioneering communica-
tion”; and

(B) by striking subsection (e).

(6) LIMITATION ON REPAYMENT OF PERSONAL LOANS.—Section 315 of such Act (52 U.S.C. 30116) is amended by striking subsection (i), as redesignated by paragraph (4)(B)(ii).

(b) PROVISIONS RELATING TO USE OF PRESIDENTIAL ELECTION CAMPAIGN FUND FOR PARTY NOMINATING CONVENTIONS.—Section 9008 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (b), by striking paragraph (3); and

(2) by striking subsections (c), (d), (e), (f), (g), and (h).

(c) TECHNICAL CORRECTION.—Sections 307 and 309 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30107 and 30109) are each amended by striking “sub-
pena” each place it appears and inserting “subpoena”.

SEC. 360. 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 As-
sistance 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 enti-
ties, shall submit a joint report to the appropriate congres-
sional 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 elec-
tion agency in the report under this section shall be vol-
untary 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 Com-
mittee 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 Federal 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).

(e) 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) EXCLUSIVE AUTHORITY OF ELECTION ASSISTANCE COMMISSION WITH RESPECT TO GUIDELINES AND CERTIFICATION OF COVERED VOTING SYSTEMS.—No entity of the Federal Government other than the Election Assistance Commission may issue guidelines with respect to the minimum standards for the testing, certification, decertification, and recertification of covered voting systems.
(e) DEFINITION.—In this section, the term “covered voting systems” means equipment used in the administration 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, and includes any related nonvoting election technology, as defined in section 298C of the Help America Vote Act of 2002, as added by section 129(b).

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 determination 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 advi-
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 infor-
mation 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” has the meaning given such term in section 901 of the Help America Vote Act of 2002 (52 U.S.C. 21141), as amended by section 138.

(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 Na-
tional 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—CONGRESSIONAL REDISTRICTING

SEC. 501. SENSE OF CONGRESS ON AUTHORITY TO ESTABLISH MAPS OF CONGRESSIONAL DISTRICTS.

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.
SEC. 502. AUTHORITY FOR SPEAKER OF THE HOUSE TO JOIN CERTAIN CIVIL ACTIONS RELATING TO APPORTIONMENT.

The Speaker of the House of Representatives or the Speaker’s designee or designees may commence or join in a civil action, for and on behalf of the House of Representatives, under any applicable law, to prevent the use of any statistical method, in connection with the decennial census, to determine the population for purposes of the apportionment or redistricting of Members in Congress. It shall be the duty of the Office of the General Counsel of the House of Representatives to represent the House in such civil action, according to the directions of the Speaker. The Office of the General Counsel of the House of Representatives may employ the services of outside counsel and other experts for this purpose.

SEC. 503. CENSUS MONITORING BOARD.

(a) SHORT TITLE.—This section may be cited as the “Citizen Census Monitoring Board Permanent Authorization Act of 2023”.

(b) FINDINGS.—Congress finds the following:

(1) The 2020 decennial census of population was conducted amongst unique and difficult circumstances which have caused many of its results to be questioned as regards their accuracy and legality.
(2) Privacy limitations prevent the decennial census from being a transparent process, therefore limiting the ability of the public and even Congress or the courts from effectively monitoring the entire census process.

(3) Only an independent bipartisan Board with the same access to data and documentation as the Bureau of the Census itself can effectively monitor the decennial census process.

(4) Therefore, in order to achieve these goals, the Congress finds that a bipartisan Census Monitoring Board should be established.

(c) ESTABLISHMENT.—There shall be established a board to be known as the Census Monitoring Board (in this section referred to as the “Board”).

(d) DUTIES.—The function of the Board shall be to review all aspects of the preparation and implementation, data and results, and all post-enumeration activities and procedures, of the 2020 decennial census of population under section 141 of title 13, United States Code, (including all dress rehearsals and other simulations of a census in preparation therefor) and observe and monitor all aspects of the preparation and implementation of the 2030 decennial census and each decennial census thereafter (in-
cluding all dress rehearsals and other simulations of a cen-
sus in preparation therefor).

(c) **MEMBERS.**—

(1) **IN GENERAL.**—The Board shall be com-
posed of 6 members, appointed as follows:

(A) One individual appointed by the major-
ity leader of the Senate.

(B) Two individuals appointed by the
Speaker of the House of Representatives.

(C) One individual appointed by the minor-
ity leader of the Senate.

(D) Two individuals appointed by the mi-
nority leader of the House of Representatives.

(2) **APPOINTMENT.**—Each member of the
Board shall be appointed within 60 days after the
date of the enactment of this Act. A vacancy in the
Board shall be filled in the manner in which the
original appointment was made. Members of the
Board’s terms shall expire when the Houses of Con-
gress are reorganized, except that a member shall
continue to serve as a member until their replace-
ment is appointed.

(3) **COMPENSATION.**—Members shall not be en-
titled to any pay by reason of their service on the
Board, but shall receive travel expenses, including
per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(4) Bipartisan.—The Board shall be bipartisan and each party’s appointees shall caucus separately and elect a co-chair from each caucus.

(5) Meetings.—The Board shall meet at the call of either co-chair.

(6) Quorum.—A quorum shall consist of four members of the Board.

(7) Regulations.—The Board may promulgate any regulations necessary to carry out its duties.

(f) Executive Directors.—

(1) In General.—Each caucus of the Board shall have an executive director who shall be appointed by the members of the two most numerous caucuses, each of whom shall be paid at a rate not to exceed level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(2) Staff and Services.—

(A) In General.—Subject to such rules as the Board may prescribe, each executive director—
(i) may appoint and fix the pay of such additional personnel as that executive director considers appropriate; and

(ii) may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of pay payable for grade GS–15 of the General Schedule.

(B) BOARD RULES.—Such rules shall include provisions to ensure an equitable division or sharing of resources, as appropriate, between the respective staff of the Board.

(3) BOARD STAFF.—The staff of the Board shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

(4) FACILITIES.—The Administrator of the General Services Administration, in coordination with the Secretary of Commerce, shall locate suitable office space for the operation of the Board in the
headquarters of the Bureau of the Census in Suitland, Maryland. The facilities shall serve as the headquarters of the Board and shall include all necessary equipment and incidentals required for the proper functioning of the Board.

(g) Other Authorities.—

(1) Hearings.—For the purpose of carrying out its duties, the Board may hold such hearings (at the call of either co-chair) and undertake such other activities as the Board determines to be necessary to carry out its duties.

(2) Access to Information.—

(A) In General.—Each co-chair of the Board and any Board staff who may be designated by the Board under this subparagraph shall be granted access to any data, files, information, or other matters maintained by the Bureau of the Census (or received by it in the course of conducting a decennial census of population) which they may request, subject to such regulations as the Board may prescribe in consultation with the Secretary of Commerce. No information may be withheld pursuant to title 13, United States Code, and all members of the Board and Board staff shall be sworn to
protect the confidentiality and privilege of all
data and information protected by such title.

(B) AGENCY INFORMATION.—The Board
or the co-chairs acting jointly may secure di-
rectly from any other Federal agency, including
the White House, all information that the
Board considers necessary to enable the Board
to carry out its duties. Upon request of the
Board or both co-chairs, the head of that agen-
cy (or other person duly designated for pur-
poses of this paragraph) shall furnish that in-
formation to the Board.

(3) REGULATIONS.—The Board shall prescribe
regulations under which any member of the Board
or of its staff, and any person whose services are
procured under subsection (e)(2)(A)(ii), who gains
access to any information or other matter pursuant
to this subsection shall, to the extent that any provi-
sions of section 9 or section 214 of title 13, United
States Code, would apply with respect to such mat-
ter in the case of an employee of the Department of
Commerce, be subject to such provisions.

(4) DETAIL AUTHORITY.—Upon the request of
the Board, the head of any Federal agency is au-
thorized to detail, without reimbursement, any of the
personnel of such agency to the Board to assist the
Board in carrying out its duties. Any such detail of
a Federal employee under this paragraph shall not
interrupt or otherwise affect the civil service status
or privileges of the employee.

(5) TECHNICAL ASSISTANCE.—Upon the re-
quest of the Board, the head of a Federal agency
shall provide such technical assistance to the Board
as the Board determines to be necessary to carry out
its duties.

(6) USE OF MAILS.—The Board may use the
United States mails in the same manner and under
the same conditions as Federal agencies and shall,
for purposes of the frank, be considered a commis-
ion of Congress as described in section 3215 of title
39, United States Code.

(7) SUPPORT SERVICES.—Upon request of the
Board, the Administrator of General Services shall
provide to the Board on a reimbursable basis such
administrative support services as the Board may re-
quest.

(8) PRINTING COSTS.—For purposes of costs
relating to printing and binding, including the cost
of personnel detailed from the Government Pub-
lishing Office, the Board shall be deemed to be a
committee of the Congress.

(h) REPORTS.—

(1) 2020 CENSUS.—The Board shall transmit
to the Congress—

(A) interim reports, with the first such re-
port due by April 1, 2024;

(B) additional reports, the first of which
shall be due by February 1, 2025, the second
of which shall be due by April 1, 2025, and
subsequent reports at least semiannually there-
after;

(C) a final report on the 2020 Census shall
be due by September 1, 2025; and

(D) any other reports which the Board or
either co-chair considers appropriate.

(2) SUBSEQUENT CENSUSES.—With respect to
the 2030 decennial census of population and each
decennial census thereafter, the Board shall transmit
to Congress—

(A) an interim report due not later than
September 1 of the second year following the
year in which a decennial census occurs; and
(B) a final report not later than September 1 of the third year following the year in which a decennial census occurs; and

(C) any other reports which the Board or either co-chair considers appropriate.

(3) **Final report contents.**—A final report under paragraph (1)(C) or (2)(B) shall contain a detailed statement of the findings and conclusions of the Board with respect to the matters described in subsection (c).

(4) **Report contents.**—In addition to any matter otherwise required under this subsection, each such report shall address, with respect to the period covered by such report—

(A) the degree to which efforts of the Bureau of the Census to prepare to conduct the decennial census—

   (i) shall achieve maximum possible accuracy at every level of geography;

   (ii) shall be taken by means of an enumeration process designed to count every individual possible;

   (iii) shall be free from political bias and arbitrary decisions; and
(iv) comply with all legal and constitutional requirements; and

(B) efforts by the Bureau of the Census intended to contribute to enumeration improvement, specifically in connection with—

(i) computer modernization and the appropriate use of automation;

(ii) address list development;

(iii) outreach and promotion efforts at all levels designed to maximize response rates, especially among groups that have historically been undercounted (including measures undertaken in conjunction with local government and community and other groups);

(iv) establishment and operation of field offices; and

(v) efforts relating to the recruitment, hiring, and training of enumerators.

(5) Availability of data and information.—Any data or other information obtained by the Board under this section shall be made available to any committee or subcommittee of Congress of appropriate jurisdiction upon request of the chair or ranking minority member of such committee or sub-
committee. No such committee or subcommittee, or member thereof, shall disclose any information obtained under this paragraph which is submitted to it on a confidential basis unless the full committee determines that the withholding of that information is contrary to the national interest.

(6) USE OF CONTRACTORS.—The Board shall study and submit to Congress, as part of its first report under paragraph (1)(A), its findings and recommendations as to the feasibility and desirability of using postal personnel or private contractors to help carry out the decennial census.

(i) ACCURACY OF CENSUS.—To the extent practicable, members of the Board shall work to promote the most accurate and complete decennial census possible by using their positions to publicize the need for full and timely responses to decennial census questionnaires.

(j) LIMITATION ON BOARD MEMBERS AND STAFF.—

(1) IN GENERAL.—No individual described in paragraph (2) may—

(A) be appointed or serve as a member of the Board or as a member of the staff of the Board; or

(B) enter into any contract with the Board.
(2) INDIVIDUALS COVERED.—An individual described in this paragraph is any individual who is serving or who has ever served—

(A) as the Director of the Census; or

(B) with any committee or subcommittee of either House of Congress having jurisdiction over any aspect of the decennial census as—

(i) a Member of Congress; or

(ii) a congressional employee.

(k) EXCEPTION FOR USE OF INFORMATION.—Section 9(a) of title 13, United States Code, is amended in the matter before paragraph (1)—

(1) by striking “or section 210” and inserting “, section 210”;

(2) by striking “1998 or” and inserting “1998,”; and

(3) by striking “1997” and inserting “, or sec-

tion 502 of the ACE Act”.

(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $7,500,000 for fiscal year 2024 and each fiscal year thereafter to carry out this sec-

(880507127)
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 SIMILAR BOARD OR SIMILAR ACTIVITIES.

No Federal funds authorized to be appropriated or otherwise made available may be used to establish any other entity that is substantially similar to the Disinformation Governance Board terminated by section 601 or to carry out activities that are substantially similar to the Disinformation Governance Board terminated by section 601.

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.