

111TH CONGRESS  
1ST SESSION

# H. R.

To enact title 52, United States Code, “Voting and Elections”, as positive law.

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IN THE HOUSE OF REPRESENTATIVES

[DRAFT VERSION: November 14, 2008]

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## A BILL

To enact title 52, United States Code, “Voting and Elections”, as positive law.

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

3 **SECTION 1. TABLE OF CONTENTS.**

4 The table of contents for this Act is as follows:

- Sec. 1. Table of contents.
- Sec. 2. Purpose; conformity with original intent.
- Sec. 3. Enactment of title 52, United States Code.
- Sec. 4. Conforming amendments and provisions.
- Sec. 5. Transitional and savings provisions.
- Sec. 6. Repeals.

5 **SEC. 2. PURPOSE; CONFORMITY WITH ORIGINAL INTENT.**

6 (a) PURPOSE.—The purpose of this Act is to codify certain existing laws  
7 related to voting and elections as a positive law title of the United States  
8 Code.

9 (b) CONFORMITY WITH ORIGINAL INTENT.—In the codification of laws  
10 by this Act, the intent is to conform to the understood policy, intent, and  
11 purpose of Congress in the original enactments, with such amendments and  
12 corrections as will remove ambiguities, contradictions, and other imperfec-  
13 tions, in accordance with section 205(c)(1) of House Resolution No. 988,

1 93d Congress, as enacted into law by Public Law 93-554 (2 U.S.C.  
 2 285b(1)).

3 **SEC. 3. ENACTMENT OF TITLE 52, UNITED STATES CODE.**

4 Title 52, United States Code, “Voting and Elections”, is enacted as fol-  
 5 lows:

6 **TITLE 52—VOTING AND ELECTIONS**

Chap.		Sec.
	<b>1. Elective Franchise</b> .....	<b>101</b>
	<b>3. Voting Rights</b> .....	<b>301</b>
	<b>5. Voting Accessibility for the Elderly and Handicapped</b> .....	<b>501</b>
	<b>7. Registration and Voting by Absent Uniformed Services Voters and Overseas Voters in Elections for Federal Office.</b>	<b>701</b>
	<b>9. National Voter Registration</b> .....	<b>901</b>
	<b>11. Federal Election Campaigns</b> .....	<b>1101</b>
	<b>13. Election Administration Improvement</b> .....	<b>1301</b>
	<b>15. Presidential Elections</b> .....	<b>1501</b>
	<b>17. Election of Senators and Representatives</b> .....	<b>1701</b>
	<b>19. Contested Elections</b> .....	<b>1901</b>
	<b>21. Federal Election Records</b> .....	<b>2101</b>
	<b>23. Election of Certain Representatives to Congress</b> .....	<b>2301</b>
	<b>25. Presidential Election Campaign Fund</b> .....	<b>2501</b>
	<b>27. Presidential Primary Matching Payment Account</b> .....	<b>2701</b>

7 **CHAPTER 1—ELECTIVE FRANCHISE**

- Sec.  
 101. Voting rights.  
 102. No interference with freedom of elections.

8 **§ 101. Voting rights**

9 (a) RACE, COLOR, OR PREVIOUS CONDITION OF SERVITUDE NOT TO AF-  
 10 FECT RIGHT TO VOTE.—

11 (1) DEFINITIONS.—In this subsection:

12 (A) LITERACY TEST.—The term “literacy test” includes any  
 13 test of the ability to read, write, understand, or interpret any mat-  
 14 ter.

15 (B) VOTE.—The term “vote” has the meaning given the term  
 16 in subsection (e)(1).

17 (2) RIGHT TO VOTE.—All citizens of the United States who are oth-  
 18 erwise qualified by law to vote at any election by the people in any  
 19 State, Territory, district, county, city, parish, township, school district,  
 20 municipality, or other territorial subdivision, shall be entitled and al-  
 21 lowed to vote at all such elections, without distinction of race, color,  
 22 or previous condition of servitude; any constitution, law, custom, usage,  
 23 or regulation of any State or Territory, or by or under its authority,  
 24 to the contrary notwithstanding.

25 (3) QUALIFICATION.—No person acting under color of law shall—

26 (A) in determining whether any individual is qualified under  
 27 State law or laws to vote in any election, apply any standard,  
 28 practice, or procedure different from the standards, practices, or

1 procedures applied under such law or laws to other individuals  
 2 within the same county, parish, or similar political subdivision who  
 3 have been found by State officials to be qualified to vote;

4 (B) deny the right of any individual to vote in any election be-  
 5 cause of an error or omission on any record or paper relating to  
 6 any application, registration, or other act requisite to voting, if  
 7 such error or omission is not material in determining whether the  
 8 individual is qualified under State law to vote in such election; or

9 (C) employ any literacy test as a qualification for voting in any  
 10 election unless—

11 (i) the test is administered to each individual and is con-  
 12 ducted wholly in writing; and

13 (ii) a certified copy of the test and of the answers given  
 14 by the individual is furnished to the individual within 25 days  
 15 of the submission of the individual's request made within the  
 16 period of time during which records and papers are required  
 17 to be retained and preserved pursuant to chapter 21 of this  
 18 title.

19 (4) AGREEMENTS WITH APPROPRIATE STATE OR LOCAL AUTHORI-  
 20 TIES REGARDING LITERACY TESTS.—With respect to tests described in  
 21 paragraph (3)(C), the Attorney General may enter into agreements  
 22 with appropriate State or local authorities that preparation, conduct,  
 23 and maintenance of such tests in accordance with the provisions of ap-  
 24 plicable State or local law, including such special provisions as are nec-  
 25 essary in the preparation, conduct, and maintenance of such tests for  
 26 persons who are blind or otherwise physically handicapped, meet the  
 27 purposes of, and constitute compliance with, paragraph (3)(C).

28 (b) INTIMIDATION, THREATS, OR COERCION.—No person, whether acting  
 29 under color of law or otherwise, shall intimidate, threaten, coerce, or at-  
 30 tempt to intimidate, threaten, or coerce, any other person for the purpose  
 31 of interfering with the right of the other person to vote or to vote as the  
 32 other person may choose, or for the purpose of causing the other person  
 33 to vote for, or not to vote for, any candidate for the office of President,  
 34 Vice President, presidential elector, Member of the Senate, or Member of  
 35 the House of Representatives, or Delegates or Commissioners from the Ter-  
 36 ritories or possessions, at any general, special, or primary election held sole-  
 37 ly or in part for the purpose of selecting or electing any such candidate.

38 (c) PREVENTIVE RELIEF.—

39 (1) IN GENERAL.—Whenever any person has engaged, or there are  
 40 reasonable grounds to believe that any person is about to engage, in  
 41 an act or practice that would deprive another person of a right or privi-

1           lege secured by subsection (a) or (b), the Attorney General may insti-  
 2           tute for the United States, or in the name of the United States, a civil  
 3           action or other proper proceeding for preventive relief, including an ap-  
 4           plication for a permanent or temporary injunction, restraining order,  
 5           or other order.

6           (2) REBUTTABLE PRESUMPTION OF LITERACY.—In any proceeding  
 7           instituted under this subsection, if literacy is a relevant fact, there shall  
 8           be a rebuttable presumption that a person who has not been adjudged  
 9           an incompetent and who has completed the sixth grade in a public  
 10          school in, or a private school accredited by, any State or territory, the  
 11          District of Columbia, or Puerto Rico where instruction is carried on  
 12          predominantly in the English language, possesses sufficient literacy,  
 13          comprehension, and intelligence to vote in any election.

14          (3) LIABILITY FOR COSTS.—In any proceeding instituted under this  
 15          subsection, the United States shall be liable for costs the same as a  
 16          private person.

17          (4) JOINDER OF THE STATE AS A PARTY DEFENDANT.—In any pro-  
 18          ceeding instituted under this subsection, whenever any official of a  
 19          State or subdivision thereof is alleged to have committed an act or  
 20          practice constituting a deprivation of a right or privilege secured by  
 21          subsection (a), the act or practice shall also be deemed to be that of  
 22          the State, and the State may be joined as a party defendant. If, prior  
 23          to the institution of the proceeding, the official alleged to have com-  
 24          mitted the act or practice has resigned or been relieved of office, and  
 25          no successor has assumed the office, the proceeding may be instituted  
 26          against the State.

27          (d) JURISDICTION.—The district courts of the United States shall have  
 28          jurisdiction of proceedings instituted pursuant to this section and shall exer-  
 29          cise the same without regard to whether the party aggrieved has exhausted  
 30          any administrative or other remedies that may be provided by law.

31          (e) PATTERN OR PRACTICE OF DISCRIMINATION.—

32                  (1) DEFINITIONS.—In this subsection:

33                          (A) AFFECTED AREA.—The term “affected area” means any  
 34                          subdivision of the State in which the laws of the State relating to  
 35                          voting are or have been to any extent administered by a person  
 36                          found in a proceeding instituted pursuant to this section to have  
 37                          violated subsection (a).

38                          (B) QUALIFIED UNDER STATE LAW.—The term “qualified  
 39                          under State law” means qualified according to the laws, customs,  
 40                          or usages of the State, and does not, in any event, imply qualifica-  
 41                          tions more stringent than the qualifications used by a person

1 found in a proceeding instituted pursuant to this section to have  
 2 violated subsection (a) in qualifying persons other than those of  
 3 the race or color against which the pattern or practice of discrimi-  
 4 nation was found to exist.

5 (C) VOTE.—The term “vote” includes all action necessary to  
 6 make a vote effective including registration or other action re-  
 7 quired by State law prerequisite to voting, casting a ballot, and  
 8 having such ballot counted and included in the appropriate totals  
 9 of votes cast with respect to candidates for public office and prop-  
 10 ositions for which votes are received in an election.

11 (2) FINDING OF PATTERN OR PRACTICE OF DISCRIMINATION.—In  
 12 any proceeding instituted pursuant to subsection (c), in the event the  
 13 court finds that any person has been deprived on account of race or  
 14 color of any right or privilege secured by subsection (a), the court shall,  
 15 upon request of the Attorney General and after each party has been  
 16 given notice and the opportunity to be heard, make a finding whether  
 17 such deprivation was or is pursuant to a pattern or practice.

18 (3) ORDER DECLARING PERSON QUALIFIED TO VOTE.—If the court  
 19 finds a pattern or practice pursuant to paragraph (2), any person of  
 20 the race or color discriminated against resident within the affected area  
 21 shall, for one year and thereafter until the court subsequently finds  
 22 that such pattern or practice has ceased, be entitled, upon the person’s  
 23 application therefor, to an order declaring the person qualified to vote,  
 24 upon proof that, at any election or elections—

25 (A) the person is qualified under State law to vote; and

26 (B) since such finding by the court, the person has been—

27 (i) deprived of or denied, under color of law, the oppor-  
 28 tunity to register to vote or otherwise to qualify to vote; or

29 (ii) found not qualified to vote by any person acting under  
 30 color of law.

31 (4) EFFECTIVE PERIOD OF ORDER.—An order under paragraph (3)  
 32 shall be effective as to any election held within the longest period for  
 33 which an applicant could have been registered or otherwise qualified  
 34 under State law at which the applicant’s qualifications would under  
 35 State law entitle the applicant to vote.

36 (5) ENFORCEMENT OF ORDER.—Notwithstanding any inconsistent  
 37 provision of State law or the action of any State officer or court, an  
 38 applicant declared qualified to vote by an order under paragraph (3)  
 39 shall be permitted to vote in any election described in paragraph (4).  
 40 The Attorney General shall cause to be transmitted certified copies of  
 41 such order to the appropriate election officers. The refusal by any such

1 officer with notice of the order to permit any person so declared quali-  
 2 fied to vote to vote at an appropriate election shall constitute contempt  
 3 of court.

4 (6) TIMELY ACTION ON APPLICATION FOR ORDER.—An application  
 5 for an order pursuant to this subsection shall be heard within 10 days,  
 6 and the execution of any order disposing of such application shall not  
 7 be stayed if the effect of the stay would be to delay the effectiveness  
 8 of the order beyond the date of any election at which the applicant  
 9 would otherwise be enabled to vote.

10 (7) VOTING REFEREES.—

11 (A) APPOINTMENT.—The court may appoint one or more pers-  
 12 sons who are qualified voters in the judicial district, to be known  
 13 as voting referees, who shall subscribe to the oath of office re-  
 14 quired by section 3331 of title 5, to serve for such period as the  
 15 court shall determine, to receive applications and to take evidence  
 16 and report to the court findings as to whether or not at any elec-  
 17 tion or elections—

18 (i) an applicant is qualified under State law to vote; and

19 (ii) since the finding by the court pursuant to paragraph

20 (2), an applicant has been—

21 (I) deprived of or denied, under color of law, the op-  
 22 portunity to register to vote or otherwise to qualify to  
 23 vote; or

24 (II) found not qualified to vote by any person acting  
 25 under color of law.

26 (B) PROCEEDINGS BEFORE REFEREES.—In a proceeding before  
 27 a voting referee, the applicant shall be heard ex parte at such  
 28 times and places as the court shall direct. The applicant's state-  
 29 ment under oath shall be prima facie evidence as to the applicant's  
 30 age, residence, and prior efforts to register or otherwise qualify to  
 31 vote. Where proof of literacy or an understanding of other subjects  
 32 is required by valid provisions of State law, the answer of the ap-  
 33 plicant—

34 (i) if written, shall be included in the report to the court;

35 or

36 (ii) if oral, shall be recorded in a transcript, which shall be  
 37 included in the report to the court.

38 (8) COURT ORDER IN ACCORDANCE WITH REPORT.—Upon receipt of  
 39 the report pursuant to paragraph (7), the court shall cause the Attor-  
 40 ney General to transmit a copy of the report to the State attorney gen-  
 41 eral and to each party to the proceeding, together with an order to

1 show cause within 10 days, or such shorter time as the court may fix,  
2 why an order of the court should not be entered in accordance with  
3 the report. Upon the expiration of such period, the order shall be en-  
4 tered unless prior to that time there has been filed with the court and  
5 served upon all parties a statement of exceptions to the report. Excep-  
6 tions as to matters of fact shall be considered only if supported by a  
7 duly verified copy of a public record or by affidavit of persons having  
8 personal knowledge of the facts or by statements or matters contained  
9 in the report. Exceptions relating to matters of law shall be supported  
10 by an appropriate memorandum of law. The issues of fact and law  
11 raised by such exceptions shall be determined by the court or, if the  
12 due and speedy administration of justice requires, they may be referred  
13 to the voting referee to determine in accordance with procedures pre-  
14 scribed by the court. A hearing as to an issue of fact shall be held only  
15 in the event that the proof in support of the exception discloses the  
16 existence of a genuine issue of material fact. The applicant's literacy  
17 and understanding of other subjects shall be determined solely on the  
18 basis of answers included in the report of the voting referee.

19 (9) ISSUANCE OF CERTIFICATE.—The court, or at its direction the  
20 voting referee, shall issue to each applicant declared qualified to vote  
21 by an order under paragraph (3) a certificate identifying the holder  
22 thereof as a person so qualified.

23 (10) POWERS AND COMPENSATION OF VOTING REFEREES.—Any vot-  
24 ing referee appointed by the court pursuant to this subsection shall to  
25 the extent not inconsistent herewith have all the powers conferred upon  
26 a master by rule 53(c) of the Federal Rules of Civil Procedure (28  
27 U.S.C. App.). The compensation to be allowed to any persons ap-  
28 pointed by the court pursuant to this subsection shall be fixed by the  
29 court and shall be payable by the United States.

30 (11) ORDER AUTHORIZING APPLICANT TO VOTE PROVISIONALLY.—  
31 Applications pursuant to this subsection shall be determined expedi-  
32 tiously. In the case of any application filed 20 or more days prior to  
33 an election which is undetermined by the time of such election, the  
34 court shall issue an order authorizing the applicant to vote provision-  
35 ally, provided that the applicant is qualified to vote under State law.  
36 In the case of an application filed less than 20 days prior to an elec-  
37 tion, the court, in its discretion, may make such an order. In either  
38 case the order shall make appropriate provision for the impounding of  
39 the applicant's ballot pending determination of the application. The  
40 court may take any other action, and may authorize the referee or such  
41 other person as it may designate to take any other action, appropriate

1 or necessary to carry out this subsection and to enforce its decrees.  
2 This subsection shall in no way be construed as a limitation upon the  
3 existing powers of the court.

4 (f) PROCEDURE.—

5 (1) PROCEEDING IN WHICH ATTORNEY GENERAL REQUESTS FINDING  
6 OF PATTERN OR PRACTICE OF DISCRIMINATION.—In any proceeding in-  
7 stituted by the United States in any district court of the United States  
8 under this section in which the Attorney General requests a finding of  
9 a pattern or practice of discrimination pursuant to subsection (e), the  
10 Attorney General, at the time the Attorney General files the complaint,  
11 or any defendant in the proceeding, within 20 days after service upon  
12 that defendant of the complaint, may file with the clerk of such court  
13 a request that a court of 3 judges be convened to hear and determine  
14 the entire case. A copy of the request for a 3-judge court shall be im-  
15 mediately furnished by such clerk to the chief judge of the circuit (or  
16 in the chief judge's absence, the presiding circuit judge of the circuit)  
17 in which the case is pending. Upon receipt of the copy of such request  
18 it shall be the duty of the chief judge of the circuit or the presiding  
19 circuit judge, as the case may be, to designate immediately 3 judges  
20 in such circuit, of whom at least one shall be a circuit judge and an-  
21 other of whom shall be a district judge of the court in which the pro-  
22 ceeding was instituted, to hear and determine such case, and it shall  
23 be the duty of the judges so designated to assign the case for hearing  
24 at the earliest practicable date, to participate in the hearing and deter-  
25 mination thereof, and to cause the case to be in every way expedited.  
26 An appeal from the final judgment of such court will lie to the Su-  
27 preme Court.

28 (2) PROCEEDING BROUGHT UNDER SUBSECTION (c) TO ENFORCE  
29 SUBSECTION (b).—In any proceeding brought under subsection (c) to  
30 enforce subsection (b), or in the event neither the Attorney General or  
31 any defendant files a request for a 3-judge court in any proceeding au-  
32 thorized by this subsection, it shall be the duty of the chief judge of  
33 the district (or in the chief judge's absence, the acting chief judge) in  
34 which the case is pending immediately to designate a judge in such dis-  
35 trict to hear and determine the case. In the event that no judge in the  
36 district is available to hear and determine the case, the chief judge of  
37 the district, or the acting chief judge, as the case may be, shall certify  
38 this fact to the chief judge of the circuit (or, in the chief judge's ab-  
39 sence, the acting chief judge) who shall then designate a district or cir-  
40 cuit judge of the circuit to hear and determine the case. It shall be  
41 the duty of the judge designated pursuant to this paragraph to assign

1 the case for hearing at the earliest practicable date and to cause the  
2 case to be in every way expedited.

3 **§ 102. No interference with freedom of elections**

4 No officer of the Army, Navy, or Air Force of the United States shall  
5 prescribe or fix, or attempt to prescribe or fix, by proclamation, order, or  
6 otherwise, the qualifications of voters in any State, or in any manner inter-  
7 fere with the freedom of any election in any State, or with the exercise of  
8 the free right of suffrage in any State.

9 **CHAPTER 3—VOTING RIGHTS**

SUBCHAPTER I—DEFINITIONS

Sec.

301. Definitions.

SUBCHAPTER II—ENFORCEMENT OF VOTING RIGHTS

- 311. Prohibition on denial or abridgement of right to vote.
- 312. Proceeding to enforce the right to vote.
- 313. Suspension of the use of tests or devices in determining eligibility to vote.
- 314. Alteration of voting qualifications and procedures.
- 315. Use of observers at elections.
- 316. Poll taxes.
- 317. Prohibited acts.
- 318. Civil and criminal sanctions.
- 319. Termination of assignment of observers.
- 320. Enforcement proceedings.
- 321. Impairment of voting rights of persons holding current registration.

SUBCHAPTER III—SUPPLEMENTAL PROVISIONS

- 331. Application of prohibition to other States.
- 332. Residence requirements for voting.
- 333. Bilingual election requirements.
- 334. Judicial relief.
- 335. Penalty.
- 336. Survey to compile registration and voting statistics.
- 337. Voting assistance for blind, disabled, or illiterate persons.

SUBCHAPTER IV—EIGHTEEN-YEAR-OLD VOTING AGE

- 351. Definition of State.
- 352. Enforcement of 26th amendment.

SUBCHAPTER V—MISCELLANEOUS

- 361. Authorization of appropriations.
- 362. Separability.

10 **SUBCHAPTER I—DEFINITIONS**

11 **§ 301. Definitions**

12 In this chapter:

13 (1) LANGUAGE MINORITIES OR LANGUAGE MINORITY GROUP.—The  
14 term “language minorities” or “language minority group” means per-  
15 sons who are American Indian, Asian American, Alaskan Natives, or  
16 of Spanish heritage.

17 (2) POLITICAL SUBDIVISION.—The term “political subdivision”  
18 means any county or parish, except that where registration for voting  
19 is not conducted under the supervision of a county or parish, the term  
20 shall include any other subdivision of a State which conducts registra-  
21 tion for voting.

1           (3) VOTE OR VOTING.—The terms “vote” and “voting” include all  
2           action necessary to make a vote effective in any primary, special, or  
3           general election, including registration, listing pursuant to this chapter,  
4           or other action required by law prerequisite to voting, casting a ballot,  
5           and having such ballot counted properly and included in the appro-  
6           priate totals of votes cast with respect to candidates for public or party  
7           office and propositions for which votes are received in an election.

8           SUBCHAPTER II—ENFORCEMENT OF VOTING RIGHTS

9           **§ 311. Prohibition on denial or abridgement of right to vote**

10          (a) PROHIBITION.—No voting qualification or prerequisite to voting or  
11          standard, practice, or procedure shall be imposed or applied by any State  
12          or political subdivision in a manner which results in a denial or abridgement  
13          of the right of any citizen of the United States to vote on account of race  
14          or color, or in contravention of the guarantees set forth in section 313(f)(2)  
15          of this title, as provided in subsection (b).

16          (b) ESTABLISHMENT OF VIOLATION.—A violation of subsection (a) is es-  
17          tablished if, based on the totality of circumstances, it is shown that the po-  
18          litical processes leading to nomination or election in the State or political  
19          subdivision are not equally open to participation by members of a class of  
20          citizens protected by subsection (a) in that its members have less oppor-  
21          tunity than other members of the electorate to participate in the political  
22          process and to elect representatives of their choice. The extent to which  
23          members of a protected class have been elected to office in the State or po-  
24          litical subdivision is one circumstance which may be considered. Nothing in  
25          this section establishes a right to have members of a protected class elected  
26          in numbers equal to their proportion in the population.

27          **§ 312. Proceeding to enforce the right to vote**

28          (a) AUTHORIZATION BY COURT FOR APPOINTMENT OF FEDERAL OB-  
29          SERVERS.—

30           (1) IN GENERAL.—Whenever the Attorney General or an aggrieved  
31           person institutes a proceeding under any statute to enforce the voting  
32           guarantees of the 14th or 15th amendment in any State or political  
33           subdivision the court shall authorize the appointment of Federal ob-  
34           servers by the Director of the Office of Personnel Management in ac-  
35           cordance with section 6 of the Voting Rights Act of 1965 (42 U.S.C.  
36           1973d) as in effect until July 27, 2006, to serve for such period of  
37           time and for such political subdivisions as the court shall determine is  
38           appropriate to enforce the voting guarantees of the 14th or 15th  
39           amendment—

1 (A) as part of any interlocutory order if the court determines  
 2 that the appointment of such observers is necessary to enforce  
 3 such voting guarantees; or

4 (B) as part of any final judgment if the court finds that viola-  
 5 tions of the 14th or 15th amendment justifying equitable relief  
 6 have occurred in such State or subdivision.

7 (2) EXCEPTION.—The court need not authorize the appointment of  
 8 observers if—

9 (A) any incidents of denial or abridgement of the right to vote  
 10 on account of race or color, or in contravention of the voting guar-  
 11 antees set forth in section 313(f)(2) of this title, have been few  
 12 in number and have been promptly and effectively corrected by  
 13 State or local action;

14 (B) the continuing effect of such incidents has been eliminated;  
 15 and

16 (C) there is no reasonable probability that such incidents will  
 17 recur in the future.

18 (b) SUSPENSION OF USE OF TESTS AND DEVICES THAT DENY OR  
 19 ABRIDGE RIGHT TO VOTE.—If in a proceeding instituted by the Attorney  
 20 General or an aggrieved person under any statute to enforce the voting  
 21 guarantees of the 14th or 15th amendment in any State or political subdivi-  
 22 sion the court finds that a test or device has been used for the purpose or  
 23 with the effect of denying or abridging the right of any citizen of the United  
 24 States to vote on account of race or color, or in contravention of the voting  
 25 guarantees set forth in section 313(f)(2) of this title, the court shall sus-  
 26 pend the use of tests and devices in such State or political subdivisions as  
 27 the court shall determine are appropriate and for such period as it deems  
 28 necessary.

29 (c) RETENTION OF JURISDICTION TO PREVENT COMMENCEMENT OF  
 30 NEW DEVICES TO DENY OR ABRIDGE RIGHT TO VOTE.—

31 (1) IN GENERAL.—If in any proceeding instituted by the Attorney  
 32 General or an aggrieved person under any statute to enforce the voting  
 33 guarantees of the 14th or 15th amendment in any State or political  
 34 subdivision the court finds that violations of the 14th or 15th amend-  
 35 ment justifying equitable relief have occurred within the territory of  
 36 such State or political subdivision, the court, in addition to such relief  
 37 as it may grant, shall retain jurisdiction for such period as it may deem  
 38 appropriate, and during such period no voting qualification or pre-  
 39 requisite to voting or standard, practice, or procedure with respect to  
 40 voting different from that in force or effect at the time the proceeding  
 41 was commenced shall be enforced unless and until the court finds that

1 such qualification, prerequisite, standard, practice, or procedure does  
 2 not have the purpose and will not have the effect of denying or abridg-  
 3 ing the right to vote on account of race or color, or in contravention  
 4 of the voting guarantees set forth in section 313(f)(2) of this title.

5 (2) NO OBJECTION WITHIN 60 DAYS.—Such qualification, pre-  
 6 requisite, standard, practice, or procedure may be enforced if the quali-  
 7 fication, prerequisite, standard, practice, or procedure has been sub-  
 8 mitted by the chief legal officer or other appropriate official of such  
 9 State or subdivision to the Attorney General and the Attorney General  
 10 has not interposed an objection within 60 days after such submission,  
 11 except that neither the court’s finding nor the Attorney General’s fail-  
 12 ure to object shall bar a subsequent action to enjoin enforcement of  
 13 such qualification, prerequisite, standard, practice, or procedure.

14 **§313. Suspension of the use of tests or devices in deter-**  
 15 **mining eligibility to vote**

16 (a) DEFINITION OF TEST OR DEVICE.—

17 (1) IN GENERAL.—The term “test or device” means any requirement  
 18 that a person, as a prerequisite for voting or registration for voting—

19 (A) demonstrate the ability to read, write, understand, or inter-  
 20 pret any matter;

21 (B) demonstrate any educational achievement or knowledge of  
 22 any particular subject;

23 (C) possess good moral character; or

24 (D) prove the person’s qualifications by the voucher of reg-  
 25 istered voters or members of any other class.

26 (2) ADDITIONAL DEFINITION.—In addition to the meaning given the  
 27 term under paragraph (1), the term “test or device” also means any  
 28 practice or requirement by which any State or political subdivision pro-  
 29 vided any registration or voting notices, forms, instructions, assistance,  
 30 or other materials or information relating to the electoral process, in-  
 31 cluding ballots, only in the English language, where the Director of the  
 32 Census determines that more than 5 percent of the citizens of voting  
 33 age residing in such State or political subdivision are members of a sin-  
 34 gle language minority. With respect to subsection (c), the term “test  
 35 or device”, as defined in this paragraph, shall be employed only in  
 36 making the determinations under paragraph (3) of that subsection.

37 (b) NO DENIAL OF RIGHT TO VOTE BECAUSE OF FAILURE TO COMPLY  
 38 WITH TEST OR DEVICE UNLESS DECLARATORY JUDGMENT ISSUED.—

39 (1) IN GENERAL.—To assure that the right of citizens of the United  
 40 States to vote is not denied or abridged on account of race or color,  
 41 no citizen shall be denied the right to vote in any Federal, State, or

1 local election because of the citizen's failure to comply with any test  
2 or device in any State with respect to which the determinations have  
3 been made under paragraph (1) or (2) of subsection (c) or in any polit-  
4 ical subdivision of such State (as such subdivision existed on the date  
5 such determinations were made with respect to such State), though  
6 such determinations were not made with respect to such subdivision as  
7 a separate unit, or in any political subdivision with respect to which  
8 such determinations have been made as a separate unit, unless the  
9 United States District Court for the District of Columbia issues a de-  
10 claratory judgment under this section. No citizen shall be denied the  
11 right to vote in any Federal, State, or local election because of the citi-  
12 zen's failure to comply with any test or device in any State with respect  
13 to which the determinations have been made under subsection (c)(3)  
14 or in any political subdivision of such State (as such subdivision existed  
15 on the date such determinations were made with respect to such State),  
16 though such determinations were not made with respect to such sub-  
17 division as a separate unit, or in any political subdivision with respect  
18 to which such determinations have been made as a separate unit, un-  
19 less the United States District Court for the District of Columbia  
20 issues a declaratory judgment under this section. A declaratory judg-  
21 ment under this section shall issue only if such court determines that  
22 during the 10 years preceding the filing of the action, and during the  
23 pendency of such action—

24 (A) no such test or device has been used within such State or  
25 political subdivision for the purpose or with the effect of denying  
26 or abridging the right to vote on account of race or color or (in  
27 the case of a State or subdivision seeking a declaratory judgment  
28 under the second sentence of this paragraph) in contravention of  
29 the guarantees of subsection (f)(2);

30 (B) no final judgment of any court of the United States, other  
31 than the denial of declaratory judgment under this section, has de-  
32 termined that denials or abridgements of the right to vote on ac-  
33 count of race or color have occurred anywhere in the territory of  
34 such State or political subdivision or (in the case of a State or  
35 subdivision seeking a declaratory judgment under the second sen-  
36 tence of this paragraph) that denials or abridgements of the right  
37 to vote in contravention of the guarantees of subsection (f)(2) have  
38 occurred anywhere in the territory of such State or subdivision,  
39 and no consent decree, settlement, or agreement has been entered  
40 into resulting in any abandonment of a voting practice challenged  
41 on such grounds; and no declaratory judgment under this section

1 shall be entered during the pendency of an action commenced be-  
2 fore the filing of an action under this section and alleging such  
3 denials or abridgements of the right to vote;

4 (C) no Federal examiners or observers under this chapter have  
5 been assigned to such State or political subdivision;

6 (D) such State or political subdivision and all governmental  
7 units within its territory have complied with section 314 of this  
8 title, including compliance with the requirement that no change  
9 covered by section 314 of this title has been enforced without  
10 preclearance under section 314 of this title, and have repealed all  
11 changes covered by section 314 of this title to which the Attorney  
12 General has successfully objected or as to which the United States  
13 District Court for the District of Columbia has denied a declara-  
14 tory judgment;

15 (E) the Attorney General has not interposed any objection (that  
16 has not been overturned by a final judgment of a court) and no  
17 declaratory judgment has been denied under section 314 of this  
18 title, with respect to any submission by or on behalf of the plain-  
19 tiff or any governmental unit within its territory under section 314  
20 of this title, and no such submissions or declaratory judgment ac-  
21 tions are pending; and

22 (F) such State or political subdivision and all governmental  
23 units within its territory—

24 (i) have eliminated voting procedures and methods of elec-  
25 tion which inhibit or dilute equal access to the electoral pro-  
26 cess;

27 (ii) have engaged in constructive efforts to eliminate intimi-  
28 dation and harassment of persons exercising rights protected  
29 under this chapter; and

30 (iii) have engaged in other constructive efforts, such as ex-  
31 panded opportunity for convenient registration and voting for  
32 every person of voting age and the appointment of minority  
33 persons as election officials throughout the jurisdiction and at  
34 all stages of the election and registration process.

35 (2) EVIDENCE OF MINORITY PARTICIPATION.—To assist the court in  
36 determining whether to issue a declaratory judgment under this sub-  
37 section, the plaintiff shall present evidence of minority participation, in-  
38 cluding evidence of the levels of minority group registration and voting,  
39 changes in such levels over time, and disparities between minority-  
40 group and non-minority-group participation.

1           (3) NO DECLARATORY JUDGMENT IF STATE OR POLITICAL SUBDIVI-  
2           SION ENGAGED IN VIOLATIONS.—No declaratory judgment shall issue  
3           under this subsection with respect to such State or political subdivision  
4           if such plaintiff and governmental units within its territory have, dur-  
5           ing the period beginning 10 years before the date the judgment is  
6           issued, engaged in violations of any provision of the Constitution or  
7           laws of the United States or any State or political subdivision with re-  
8           spect to discrimination in voting on account of race or color or (in the  
9           case of a State or subdivision seeking a declaratory judgment under the  
10          second sentence of paragraph (1)) in contravention of the guarantees  
11          of subsection (f)(2) unless the plaintiff establishes that any such viola-  
12          tions were trivial, were promptly corrected, and were not repeated.

13          (4) PUBLICATION AND RIGHT OF INTERVENTION.—The State or po-  
14          litical subdivision bringing such action shall publicize the intended com-  
15          mencement and any proposed settlement of such action in the media  
16          serving such State or political subdivision and in appropriate United  
17          States post offices. Any aggrieved party may as of right intervene at  
18          any stage in such action.

19          (5) PROCEDURE AND 10 YEAR RETENTION OF JURISDICTION TO VA-  
20          CATE DECLARATORY JUDGMENT.—An action pursuant to this sub-  
21          section shall be heard and determined by a court of 3 judges in accord-  
22          ance with section 2284 of title 28, and any appeal shall lie to the Su-  
23          preme Court. The court shall retain jurisdiction of any action pursuant  
24          to this subsection for 10 years after judgment and shall reopen the ac-  
25          tion upon motion of the Attorney General or any aggrieved person al-  
26          leging that conduct has occurred which, had that conduct occurred dur-  
27          ing the 10-year periods referred to in this subsection, would have pre-  
28          cluded the issuance of a declaratory judgment under this subsection.  
29          The court, upon such reopening, shall vacate the declaratory judgment  
30          issued under this section if, after the issuance of such declaratory judg-  
31          ment, a final judgment against the State or subdivision with respect  
32          to which such declaratory judgment was issued, or against any govern-  
33          mental unit within that State or subdivision, determines that denials  
34          or abridgements of the right to vote on account of race or color have  
35          occurred anywhere in the territory of such State or political subdivision  
36          or (in the case of a State or subdivision which sought a declaratory  
37          judgment under the second sentence of paragraph (1)) that denials or  
38          abridgements of the right to vote in contravention of the guarantees  
39          of subsection (f)(2) have occurred anywhere in the territory of such  
40          State or subdivision, or if, after the issuance of such declaratory judg-  
41          ment, a consent decree, settlement, or agreement has been entered into

1 resulting in any abandonment of a voting practice challenged on such  
2 grounds.

3 (6) EXPEDITING ACTION AFTER 2 YEAR DELAY.—If, after 2 years  
4 from the date of the filing of a declaratory judgment under this sub-  
5 section, no date has been set for a hearing in such action, and that  
6 delay has not been the result of an avoidable delay on the part of coun-  
7 sel for any party, the chief judge of the United States District Court  
8 for the District of Columbia may request the Judicial Council for the  
9 Circuit of the District of Columbia to provide the necessary judicial re-  
10 sources to expedite any action filed under this section. If such re-  
11 sources are unavailable within the circuit, the chief judge shall file a  
12 certificate of necessity in accordance with section 292(d) of title 28.

13 (7) CONGRESSIONAL REVIEW.—Congress shall reconsider the provi-  
14 sions of this section at the end of the 15-year period following July 27,  
15 2006.

16 (8) EXPIRATION.—This section shall expire at the end of the 25-year  
17 period following July 27, 2006.

18 (9) ATTORNEY GENERAL CONSENT TO ENTRY OF JUDGMENT.—  
19 Nothing in this section shall prohibit the Attorney General from con-  
20 senting to an entry of judgment if, based upon a showing of objective  
21 and compelling evidence by the plaintiff and upon investigation, the At-  
22 torney General is satisfied that the State or political subdivision has  
23 complied with the requirements of paragraph (1). Any aggrieved party  
24 may as of right intervene at any stage in such action.

25 (e) REQUIRED FACTUAL DETERMINATIONS NECESSARY TO ALLOW SUS-  
26 PENSION OF COMPLIANCE WITH TESTS AND DEVICES.—

27 (1) DETERMINATIONS RELATED TO NOVEMBER 1964.—Subsection (b)  
28 shall apply in any State or in any political subdivision of a State—

29 (A) which the Attorney General determines maintained on No-  
30 vember 1, 1964, any test or device; and

31 (B) with respect to which the Director of the Census determines  
32 that less than 50 percent of the persons of voting age residing  
33 therein were registered on November 1, 1964, or that less than  
34 50 percent of such persons voted in the presidential election of No-  
35 vember 1964.

36 (2) DETERMINATIONS RELATED TO NOVEMBER 1968.—On and after  
37 August 6, 1970, in addition to any State or political subdivision of a  
38 State determined to be subject to subsection (b) pursuant to paragraph  
39 (1), subsection (b) shall apply in any State or any political subdivision  
40 of a State—

1 (A) which the Attorney General determines maintained on No-  
2 vember 1, 1968, any test or device; and

3 (B) with respect to which the Director of the Census determines  
4 that less than 50 percent of the persons of voting age residing  
5 therein were registered on November 1, 1968, or that less than  
6 50 percent of such persons voted in the presidential election of No-  
7 vember 1968.

8 (3) DETERMINATIONS RELATED TO NOVEMBER 1972.—On and after  
9 August 6, 1975, in addition to any State or political subdivision of a  
10 State determined to be subject to subsection (b) pursuant to para-  
11 graphs (1) and (2), subsection (b) shall apply in any State or any polit-  
12 ical subdivision of a State—

13 (A) which the Attorney General determines maintained on No-  
14 vember 1, 1972, any test or device; and

15 (B) with respect to which the Director of the Census determines  
16 that less than 50 percent of the citizens of voting age were reg-  
17 istered on November 1, 1972, or that less than 50 percent of such  
18 persons voted in the Presidential election of November 1972.

19 (4) DETERMINATION OR CERTIFICATION NOT REVIEWABLE.—A de-  
20 termination or certification of the Attorney General or of the Director  
21 of the Census under this section or under section 315 or 319 of this  
22 title shall not be reviewable in any court and shall be effective upon  
23 publication in the Federal Register.

24 (d) PRECLUSION OF DETERMINATION OF PROHIBITED USE OF TESTS OR  
25 DEVICES.—For purposes of this section, no State or political subdivision  
26 shall be determined to have engaged in the use of tests or devices for the  
27 purpose or with the effect of denying or abridging the right to vote on ac-  
28 count of race or color, or in contravention of the guarantees set forth in  
29 subsection (f)(2), if—

30 (1) incidents of such use have been few in number and have been  
31 promptly and effectively corrected by State or local action;

32 (2) the continuing effect of such incidents has been eliminated; and

33 (3) there is no reasonable probability that such incidents will recur  
34 in the future.

35 (e) RIGHT TO VOTE FOR PERSONS EDUCATED IN AMERICAN-FLAG  
36 SCHOOLS WHERE CLASSROOM LANGUAGE IS OTHER THAN ENGLISH.—

37 (1) DECLARATION OF REQUIREMENT TO SECURE VOTING RIGHTS.—  
38 Congress declares that to secure the rights under the 14th amendment  
39 of persons educated in American-flag schools in which the predominant  
40 classroom language was other than English, it is necessary to prohibit  
41 the States from conditioning the right to vote of such persons on ability

1 to read, write, understand, or interpret any matter in the English lan-  
2 guage.

3 (2) PROHIBITION ON REQUIRING ENGLISH LANGUAGE ABILITY.—No  
4 person who demonstrates that the person has successfully completed  
5 the sixth primary grade in a public school in, or a private school ac-  
6 credited by, any State or territory, the District of Columbia, or Puerto  
7 Rico in which the predominant classroom language was other than  
8 English, shall be denied the right to vote in any Federal, State, or local  
9 election because of the person's inability to read, write, understand, or  
10 interpret any matter in the English language, except that in States in  
11 which State law provides that a different level of education is presump-  
12 tive of literacy, the person shall demonstrate that the person has suc-  
13 cessfully completed an equivalent level of education in a public school  
14 in, or a private school accredited by, any State or territory, the District  
15 of Columbia, or Puerto Rico in which the predominant classroom lan-  
16 guage was other than English.

17 (f) VOTING DISCRIMINATION AGAINST LANGUAGE MINORITIES.—

18 (1) FINDINGS AND DECLARATION.—Congress finds that voting dis-  
19 crimination against citizens of language minorities is pervasive and na-  
20 tional in scope. Such minority citizens are from environments in which  
21 the dominant language is other than English. In addition they have  
22 been denied equal educational opportunities by State and local govern-  
23 ments, resulting in severe disabilities and continuing illiteracy in the  
24 English language. Congress further finds that, where State and local  
25 officials conduct elections only in English, language minority citizens  
26 are excluded from participating in the electoral process. In many areas  
27 of the country, this exclusion is aggravated by acts of physical, eco-  
28 nomic, and political intimidation. Congress declares that, in order to  
29 enforce the guarantees of the 14th and 15th amendments to the United  
30 States Constitution, it is necessary to eliminate such discrimination by  
31 prohibiting English-only elections, and by prescribing other remedial  
32 devices.

33 (2) PROHIBITION ON IMPOSING QUALIFICATIONS OR PROCEDURES TO  
34 DENY OR ABRIDGE THE RIGHT TO VOTE.—No voting qualification or  
35 prerequisite to voting, or standard, practice, or procedure shall be im-  
36 posed or applied by any State or political subdivision to deny or abridge  
37 the right of any citizen of the United States to vote because the citizen  
38 is a member of a language minority group.

39 (3) REQUIREMENT TO PROVIDE ELECTORAL MATERIALS FOR LAN-  
40 GUAGE MINORITY GROUP.—Whenever any State or political subdivision  
41 subject to the prohibitions of the second sentence of subsection (b)(1)

1 provides any registration or voting notices, forms, instructions, assist-  
 2 ance, or other materials or information relating to the electoral process,  
 3 including ballots, the State or political subdivision shall provide them  
 4 in the language of the applicable language minority group as well as  
 5 in the English language. However, where the language of the applicable  
 6 minority group is oral or unwritten (or in the case of Alaskan Natives  
 7 and American Indians, if the predominate language is historically un-  
 8 written) the State or political subdivision is only required to provide  
 9 oral instructions, assistance, or other information relating to registra-  
 10 tion and voting.

11 **§ 314. Alteration of voting qualifications and procedures**

12 (a) IN GENERAL.—Whenever a State or political subdivision with respect  
 13 to which the prohibitions set forth in section 313(b) of this title based upon  
 14 determinations made under section 313(c)(1) of this title are in effect shall  
 15 enact or seek to administer any voting qualification or prerequisite to vot-  
 16 ing, or standard, practice, or procedure with respect to voting different from  
 17 that in force or effect on November 1, 1964, or whenever a State or political  
 18 subdivision with respect to which the prohibitions set forth in section 313(b)  
 19 of this title based upon determinations made under section 313(c)(2) of this  
 20 title are in effect shall enact or seek to administer any voting qualification  
 21 or prerequisite to voting, or standard, practice, or procedure with respect  
 22 to voting different from that in force or effect on November 1, 1968, or  
 23 whenever a State or political subdivision with respect to which the prohibi-  
 24 tions set forth in section 313(b) of this title based upon determinations  
 25 made under section 313(c)(3) of this title are in effect shall enact or seek  
 26 to administer any voting qualification or prerequisite to voting, or standard,  
 27 practice, or procedure with respect to voting different from that in force or  
 28 effect on November 1, 1972, such State or subdivision may institute an ac-  
 29 tion in the United States District Court for the District of Columbia for  
 30 a declaratory judgment that such qualification, prerequisite, standard, prac-  
 31 tice, or procedure neither has the purpose nor will have the effect of denying  
 32 or abridging the right to vote on account of race or color, or in contraven-  
 33 tion of the guarantees set forth in section 313(f)(2) of this title, and unless  
 34 and until the court enters such judgment no person shall be denied the right  
 35 to vote for failure to comply with such qualification, prerequisite, standard,  
 36 practice, or procedure. However, such qualification, prerequisite, standard,  
 37 practice, or procedure may be enforced without such proceeding if the quali-  
 38 fication, prerequisite, standard, practice, or procedure has been submitted  
 39 by the chief legal officer or other appropriate official of such State or sub-  
 40 division to the Attorney General and the Attorney General has not inter-  
 41 posed an objection within 60 days after such submission, or upon good

1 cause shown, to facilitate an expedited approval within 60 days after such  
 2 submission, the Attorney General has affirmatively indicated that such ob-  
 3 jection will not be made. Neither an affirmative indication by the Attorney  
 4 General that no objection will be made, nor the Attorney General's failure  
 5 to object, nor a declaratory judgment entered under this section shall bar  
 6 a subsequent action to enjoin enforcement of such qualification, pre-  
 7 requisite, standard, practice, or procedure. In the event the Attorney Gen-  
 8 eral affirmatively indicates that no objection will be made within the 60-day  
 9 period following receipt of a submission, the Attorney General may reserve  
 10 the right to reexamine the submission if additional information comes to the  
 11 Attorney General's attention during the remainder of the 60-day period  
 12 which would otherwise require objection in accordance with this section. Any  
 13 action under this section shall be heard and determined by a court of 3  
 14 judges in accordance with section 2284 of title 28, and any appeal shall lie  
 15 to the Supreme Court.

16 (b) DENIAL OR ABRIDGMENT OF RIGHT TO VOTE.—Any voting qualifica-  
 17 tion or prerequisite to voting, or standard, practice, or procedure with re-  
 18 spect to voting that has the purpose of or will have the effect of diminishing  
 19 the ability of any citizens of the United States on account of race or color,  
 20 or in contravention of the guarantees set forth in section 313(f)(2) of this  
 21 title, to elect their preferred candidates of choice denies or abridges the  
 22 right to vote within the meaning of subsection (a).

23 (c) DEFINITION OF PURPOSE IN SUBSECTIONS (a) AND (b).—The term  
 24 “purpose” in subsections (a) and (b) shall include any discriminatory pur-  
 25 pose.

26 (d) PURPOSE OF SUBSECTION (b).—The purpose of subsection (b) is to  
 27 protect the ability of such citizens to elect their preferred candidates of  
 28 choice.

29 **§ 315. Use of observers at elections**

30 (a) IN GENERAL.—Whenever—

31 (1) a court has authorized the appointment of observers under sec-  
 32 tion 312(a) of this title for a political subdivision; or

33 (2) the Attorney General certifies with respect to any political sub-  
 34 division named in, or included within the scope of, determinations made  
 35 under section 313(e) of this title, unless a declaratory judgment has  
 36 been rendered under section 313(b) of this title, that—

37 (A) the Attorney General has received written meritorious com-  
 38 plaints from residents, elected officials, or civic participation orga-  
 39 nizations that efforts to deny or abridge the right to vote under  
 40 the color of law on account of race or color, or in contravention

1 of the guarantees set forth in section 313(f)(2) of this title, are  
2 likely to occur; or

3 (B) in the Attorney General's judgment (considering, among  
4 other factors, whether the ratio of nonwhite persons to white per-  
5 sons registered to vote within such subdivision appears to the At-  
6 torney General to be reasonably attributable to violations of the  
7 14th or 15th amendment or whether substantial evidence exists  
8 that bona fide efforts are being made within such subdivision to  
9 comply with the 14th or 15th amendment), the assignment of ob-  
10 servers is otherwise necessary to enforce the guarantees of the  
11 14th or 15th amendment;

12 the Director of the Office of Personnel Management shall assign as many  
13 observers for such subdivision as the Director may deem appropriate.

14 (b) ASSIGNMENT, COMPENSATION, AND SEPARATION.—Except as pro-  
15 vided in subsection (c), such observers shall be assigned, compensated, and  
16 separated without regard to the provisions of any statute administered by  
17 the Director of the Office of Personnel Management, and their service under  
18 this chapter shall not be considered employment for the purposes of any  
19 statute administered by the Director of the Office of Personnel Manage-  
20 ment, except section 7324 of title 5 prohibiting partisan political activity.

21 (c) DESIGNATION OF OBSERVERS.—The Director of the Office of Per-  
22 sonnel Management is authorized to, after consulting the head of the appro-  
23 priate department or agency, designate suitable persons in the official ser-  
24 vice of the United States, with their consent, to serve in these positions.

25 (d) AUTHORITY OF OBSERVERS.—Observers shall be authorized to—

26 (1) enter and attend at any place for holding an election in such sub-  
27 division for the purpose of observing whether persons who are entitled  
28 to vote are being permitted to vote; and

29 (2) enter and attend at any place for tabulating the votes cast at  
30 any election held in such subdivision for the purpose of observing  
31 whether votes cast by persons entitled to vote are being properly tab-  
32 ulated.

33 (e) INVESTIGATION AND REPORT.—Observers shall investigate and report  
34 to the Attorney General, and if the appointment of observers has been au-  
35 thorized pursuant to section 312(a) of this title, to the court.

36 **§ 316. Poll taxes**

37 (a) FINDINGS AND DECLARATION.—

38 (1) FINDINGS.—Congress finds that the requirement of the payment  
39 of a poll tax as a precondition to voting—

1 (A) precludes persons of limited means from voting or imposes  
 2 unreasonable financial hardship upon such persons as a pre-  
 3 condition to their exercise of the franchise;

4 (B) does not bear a reasonable relationship to any legitimate  
 5 State interest in the conduct of elections; and

6 (C) in some areas has the purpose or effect of denying persons  
 7 the right to vote because of race or color.

8 (2) DECLARATION.—Upon the basis of these findings, Congress de-  
 9 clares that the constitutional right of citizens to vote is denied or  
 10 abridged in some areas by the requirement of the payment of a poll  
 11 tax as a precondition to voting.

12 (b) AUTHORITY OF ATTORNEY GENERAL TO INSTITUTE ACTIONS FOR  
 13 RELIEF AGAINST ENFORCEMENT.—In the exercise of the powers of Con-  
 14 gress under section 5 of the 14th amendment, section 2 of the 15th amend-  
 15 ment, and section 2 of the 24th amendment, the Attorney General is au-  
 16 thorized and directed to institute forthwith in the name of the United States  
 17 such actions, including actions against States or political subdivisions, for  
 18 declaratory judgment or injunctive relief against the enforcement of any re-  
 19 quirement of the payment of a poll tax as a precondition to voting, or sub-  
 20 stitute therefor enacted after November 1, 1964, as will be necessary to im-  
 21 plement the declaration of subsection (a)(2) and the purposes of this sec-  
 22 tion.

23 (c) JURISDICTION AND EXPEDITING OF CASE.—The district courts of the  
 24 United States shall have jurisdiction of such actions which shall be heard  
 25 and determined by a court of 3 judges in accordance with section 2284 of  
 26 title 28, and any appeal shall lie to the Supreme Court. It shall be the duty  
 27 of the judges designated to hear the case to assign the case for hearing at  
 28 the earliest practicable date, to participate in the hearing and determination  
 29 thereof, and to cause the case to be in every way expedited.

30 **§ 317. Prohibited acts**

31 (a) FAILURE OR REFUSAL TO PERMIT CASTING OR TABULATION OF  
 32 VOTE.—No person acting under color of law shall fail or refuse to permit  
 33 any person to vote who is entitled to vote under any provision of this chap-  
 34 ter or is otherwise qualified to vote, or willfully fail or refuse to tabulate,  
 35 count, and report such person's vote.

36 (b) INTIMIDATION, THREATS, OR COERCION.—No person, whether acting  
 37 under color of law or otherwise, shall intimidate, threaten, or coerce, or at-  
 38 tempt to intimidate, threaten, or coerce any person for voting or attempting  
 39 to vote, or intimidate, threaten, or coerce, or attempt to intimidate, threat-  
 40 en, or coerce any person for urging or aiding any person to vote or attempt

1 to vote, or intimidate, threaten, or coerce any person for exercising any pow-  
 2 ers or duties under—

3 (1) section 312(a), 315, 316, or 318(e) of this title; or

4 (2) section 6 or 9 of the Voting Rights Act of 1965 (42 U.S.C.  
 5 1973d, 42 U.S.C. 1973g) as in effect until July 27, 2006.

6 (c) FALSE INFORMATION IN REGISTERING OR VOTING.—

7 (1) PROHIBITED ACTS AND PENALTY.—Any person who knowingly  
 8 or willfully gives false information as to the person's name, address or  
 9 period of residence in the voting district for the purpose of establishing  
 10 eligibility to register or vote, or conspires with another individual for  
 11 the purpose of encouraging false registration to vote or illegal voting,  
 12 or pays or offers to pay or accepts payment either for registration to  
 13 vote or for voting shall be fined not more than \$10,000, imprisoned  
 14 not more than 5 years, or both.

15 (2) APPLICABILITY.—This subsection applies only to general, special,  
 16 or primary elections held solely or in part for the purpose of selecting  
 17 or electing any candidate for the office of President, Vice President,  
 18 presidential elector, Member of the United States Senate, Member of  
 19 the United States House of Representatives, Delegate from the District  
 20 of Columbia, Guam, or the Virgin Islands, or Resident Commissioner  
 21 of Puerto Rico.

22 (d) FALSIFICATION OR CONCEALMENT OF MATERIAL FACTS OR GIVING  
 23 OF FALSE STATEMENTS.—Whoever, in any matter within the jurisdiction  
 24 of an examiner or hearing officer, knowingly and willfully falsifies or con-  
 25 ceals a material fact, or makes any false, fictitious, or fraudulent statements  
 26 or representations, or makes or uses any false writing or document knowing  
 27 the same to contain any false, fictitious, or fraudulent statement or entry,  
 28 shall be fined not more than \$10,000, imprisoned not more than 5 years,  
 29 or both.

30 (e) VOTING MORE THAN ONCE.—

31 (1) PROHIBITED ACT AND PENALTY.—Whoever votes more than once  
 32 in an election referred to in paragraph (2) shall be fined not more than  
 33 \$10,000, imprisoned not more than 5 years, or both.

34 (2) APPLICABILITY.—The prohibition of this subsection applies with  
 35 respect to any general, special, or primary election held solely or in  
 36 part for the purpose of selecting or electing any candidate for the office  
 37 of President, Vice President, presidential elector, Member of the United  
 38 States Senate, Member of the United States House of Representatives,  
 39 Delegate from the District of Columbia, Guam, or the Virgin Islands,  
 40 or Resident Commissioner of Puerto Rico.

1           (3) LIMITATION.—As used in this subsection, the term “votes more  
2           than once” does not include the casting of an additional ballot if all  
3           prior ballots of that voter were invalidated, nor does it include the vot-  
4           ing in two jurisdictions under section 332 of this title, to the extent  
5           2 ballots are not cast for an election to the same candidacy or office.

6           **§ 318. Civil and criminal sanctions**

7           (a) DEPRIVING OR ATTEMPTING TO DEPRIVE PERSONS OF SECURED  
8           RIGHTS.—Whoever shall deprive or attempt to deprive any person of any  
9           right secured by section 311, 312, 313, 314, or 316 of this title or shall  
10          violate section 317(a) of this title, shall be fined not more than \$5,000, im-  
11          prisoned not more than 5 years, or both.

12          (b) DAMAGING OR ALTERING BALLOTS OR VOTING RECORDS.—Whoever,  
13          within a year following an election in a political subdivision in which an ob-  
14          server has been assigned—

15               (1) destroys, defaces, mutilates, or otherwise alters the marking of  
16               a paper ballot which has been cast in such election; or

17               (2) alters any official record of voting in such election tabulated from  
18               a voting machine or otherwise,

19          shall be fined not more than \$5,000, imprisoned not more than 5 years, or  
20          both.

21          (c) CONSPIRING TO VIOLATE OR INTERFERE WITH SECURED RIGHTS.—  
22          Whoever conspires to violate subsection (a) or (b), or interferes with any  
23          right secured by section 311, 312, 313, 314, 316, or 317(a) of this title  
24          shall be fined not more than \$5,000, imprisoned not more than 5 years, or  
25          both.

26          (d) CIVIL ACTION BY ATTORNEY GENERAL FOR PREVENTIVE RELIEF.—  
27          Whenever any person has engaged, or there are reasonable grounds to be-  
28          lieve that any person is about to engage, in any act or practice prohibited  
29          by subsection (b) or section 311, 312, 313, 314, 316, or 317 of this title,  
30          or prohibited by section 7 of the Voting Rights Act of 1965 (42 U.S.C.  
31          1973e) as in effect until July 27, 2006, the Attorney General may institute  
32          for the United States, or in the name of the United States, an action for  
33          preventive relief, including an application for a temporary or permanent in-  
34          junction, restraining order, or other order, and including an order directed  
35          to the State and State or local election officials to require the officials—

36               (1) to permit persons listed under this chapter or section 7 of the  
37               Voting Rights Act of 1965 (42 U.S.C. 1973e) as in effect until July  
38               27, 2006, to vote; and

39               (2) to count such votes.

40          (e) PROCEEDING TO ENFORCE COUNTING OF BALLOTS.—Whenever, in  
41          any political subdivision in which there are observers appointed pursuant to

1 this chapter, any persons allege to such an observer within 48 hours after  
 2 the closing of the polls that, notwithstanding their listing under this chapter  
 3 or registration by an appropriate election official, and notwithstanding their  
 4 eligibility to vote, they have not been permitted to vote in such election, the  
 5 observer shall forthwith notify the Attorney General if such allegations in  
 6 the observer's opinion appear to be well founded. Upon receipt of such noti-  
 7 fication, the Attorney General may forthwith file with the district court an  
 8 application for an order providing for the marking, casting, and counting  
 9 of the ballots of such persons and requiring the inclusion of their votes in  
 10 the total vote before the results of such election shall be deemed final and  
 11 any force or effect given thereto. The district court shall hear and determine  
 12 such matters immediately after the filing of such application. The remedy  
 13 provided in this subsection shall not preclude any remedy available under  
 14 State or Federal law.

15 (f) JURISDICTION OF DISTRICT COURTS.—The district courts of the  
 16 United States shall have jurisdiction of proceedings instituted pursuant to  
 17 this section and shall exercise the same without regard to whether a person  
 18 asserting rights under this chapter shall have exhausted any administrative  
 19 or other remedies that may be provided by law.

20 **§ 319. Termination of assignment of observers**

21 (a) TERMINATION.—The assignment of observers shall terminate in any  
 22 political subdivision of any State—

23 (1) with respect to observers appointed pursuant to section 315 of  
 24 this title or with respect to examiners certified under the Voting Rights  
 25 Act of 1965 (Public Law 89–110, 79 Stat. 437) before July 27, 2006,  
 26 whenever the Attorney General notifies the Director of the Office of  
 27 Personnel Management, or whenever the District Court for the District  
 28 of Columbia determines in an action for declaratory judgment brought  
 29 by any political subdivision described in subsection (b), that there is  
 30 no longer reasonable cause to believe that persons will be deprived of  
 31 or denied the right to vote on account of race or color, or in contraven-  
 32 tion of the guarantees set forth in section 313(f)(2) of this title in such  
 33 subdivision; and

34 (2) with respect to observers appointed pursuant to section 312(a)  
 35 of this title, upon order of the authorizing court.

36 (b) POLITICAL SUBDIVISION.—A political subdivision referred to in sub-  
 37 section (a)(1) is one with respect to which the Director of the Census has  
 38 determined that more than 50 percent of the nonwhite persons of voting age  
 39 residing therein are registered to vote.

40 (c) PETITION FOR TERMINATION.—A political subdivision may petition  
 41 the Attorney General for a termination under subsection (a)(1).

1 **§ 320. Enforcement proceedings**

2 (a) CRIMINAL CONTEMPT.—All cases of criminal contempt arising under  
3 this chapter shall be governed by section 151 of the Civil Rights Act of  
4 1957 (42 U.S.C. 1995).

5 (b) JURISDICTION OF COURTS.—No court other than the District Court  
6 for the District of Columbia shall have jurisdiction to issue any declaratory  
7 judgment pursuant to section 313 or 314 of this title or any restraining  
8 order or temporary or permanent injunction against the execution or en-  
9 forcement of any provision of this chapter or any action of any Federal offi-  
10 cer or employee pursuant hereto.

11 (c) SUBPOENAS.—In any action for a declaratory judgment brought pur-  
12 suant to section 313 or 314 of this title, subpoenas for witnesses who are  
13 required to attend the District Court for the District of Columbia may be  
14 served in any judicial district of the United States. However, no writ of sub-  
15 poena shall issue for witnesses without the District of Columbia at a greater  
16 distance than 100 miles from the place of holding court without the permis-  
17 sion of the District Court for the District of Columbia being first had upon  
18 proper application and cause shown.

19 (d) ATTORNEY FEES.—In any action or proceeding to enforce the voting  
20 guarantees of the 14th or 15th amendment, the court, in its discretion, may  
21 allow the prevailing party, other than the United States, reasonable attorney  
22 fees, reasonable expert fees, and other reasonable litigation expenses as part  
23 of the costs.

24 **§ 321. Impairment of voting rights of persons holding cur-**  
25 **rent registration**

26 Nothing in this chapter shall be construed to deny, impair, or otherwise  
27 adversely affect the right to vote of any person registered to vote under the  
28 law of any State or political subdivision.

29 SUBCHAPTER III—SUPPLEMENTAL PROVISIONS

30 **§ 331. Application of prohibition to other States**

31 (a) DEFINITION OF TEST OR DEVICE.—In this section, the term “test  
32 or device” means any requirement that a person as a prerequisite for voting  
33 or registration for voting—

34 (1) demonstrate the ability to read, write, understand, or interpret  
35 any matter;

36 (2) demonstrate any educational achievement or knowledge of any  
37 particular subject;

38 (3) possess good moral character; or

39 (4) prove the person’s qualifications by the voucher of registered vot-  
40 ers or members of any other class.

1 (b) NO DENIAL OF VOTE BASED ON TEST OR DEVICE IN ANY STATE  
 2 OR POLITICAL SUBDIVISION.—No citizen shall be denied, because of the  
 3 citizen’s failure to comply with any test or device, the right to vote in any  
 4 Federal, State, or local election conducted in any State or political subdivi-  
 5 sion of a State.

6 **§ 332. Residence requirements for voting**

7 (a) DEFINITION OF STATE.— In this section, the term “State” includes  
 8 each of the several States and the District of Columbia.

9 (b) FINDINGS.—Congress finds that the imposition and application of the  
 10 durational residency requirement as a precondition to voting for the offices  
 11 of President and Vice President, and the lack of sufficient opportunities for  
 12 absentee registration and absentee balloting in presidential elections—

13 (1) denies or abridges the inherent constitutional right of citizens to  
 14 vote for their President and Vice President;

15 (2) denies or abridges the inherent constitutional right of citizens to  
 16 enjoy their free movement across State lines;

17 (3) denies or abridges the privileges and immunities guaranteed to  
 18 the citizens of each State under article IV, section 2, clause 1, of the  
 19 Constitution;

20 (4) in some instances has the impermissible purpose or effect of de-  
 21 nying citizens the right to vote for such officers because of the way  
 22 they may vote;

23 (5) has the effect of denying to citizens the equality of civil rights,  
 24 and due process and equal protection of the laws that are guaranteed  
 25 to them under the 14th amendment; and

26 (6) does not bear a reasonable relationship to any compelling State  
 27 interest in the conduct of presidential elections.

28 (c) DECLARATION.—Upon the basis of these findings, Congress declares  
 29 that in order to secure and protect the above-stated rights of citizens under  
 30 the Constitution, to enable citizens to better obtain the enjoyment of such  
 31 rights, and to enforce the guarantees of the 14th amendment, it is nec-  
 32 essary—

33 (1) to completely abolish the durational residency requirement as a  
 34 precondition to voting for President and Vice President; and

35 (2) to establish nationwide, uniform standards relative to absentee  
 36 registration and absentee balloting in presidential elections.

37 (d) PROHIBITION OF DENIAL OF RIGHT TO VOTE.—No citizen of the  
 38 United States who is otherwise qualified to vote in any election for Presi-  
 39 dent and Vice President shall be denied the right to vote for electors for  
 40 President and Vice President, or for President and Vice President, in such  
 41 election because of the failure of such citizen to comply with any durational

1 residency requirement of such State or political subdivision; nor shall any  
 2 citizen of the United States be denied the right to vote for electors for  
 3 President and Vice President, or for President and Vice President, in such  
 4 election because of the failure of such citizen to be physically present in  
 5 such State or political subdivision at the time of such election, if such citi-  
 6 zen shall have complied with the requirements prescribed by the law of such  
 7 State or political subdivision providing for the casting of absentee ballots  
 8 in such election.

9 (e) REGISTRATION.—For the purposes of this section, each State shall  
 10 provide by law for the registration or other means of qualification of all duly  
 11 qualified residents of such State who apply, not later than 30 days imme-  
 12 diately prior to any presidential election, for registration or qualification to  
 13 vote for the choice of electors for President and Vice President or for Presi-  
 14 dent and Vice President in such election; and each State shall provide by  
 15 law for the casting of absentee ballots for the choice of electors for Presi-  
 16 dent and Vice President, or for President and Vice President, by all duly  
 17 qualified residents of such State who may be absent from their election dis-  
 18 trict or unit in such State on the day such election is held and who have  
 19 applied therefor not later than 7 days immediately prior to such election and  
 20 have returned such ballots to the appropriate election official of such State  
 21 not later than the time of closing of the polls in such State on the day of  
 22 such election.

23 (f) CHANGE OF RESIDENCE.—If any citizen of the United States who is  
 24 otherwise qualified to vote in any State or political subdivision in any elec-  
 25 tion for President and Vice President has begun residence in such State or  
 26 political subdivision after the 30th day next preceding such election and, for  
 27 that reason, does not satisfy the registration requirements of such State or  
 28 political subdivision, the citizen shall be allowed to vote for the choice of  
 29 electors for President and Vice President, or for President and Vice Presi-  
 30 dent, in such election—

31 (1) in person in the State or political subdivision in which the citizen  
 32 resided immediately prior to the citizen's removal if the citizen had sat-  
 33 isfied, as of the date of the citizen's change of residence, the require-  
 34 ments to vote in that State or political subdivision; or

35 (2) by absentee ballot in the State or political subdivision in which  
 36 the citizen resided immediately prior to the citizen's removal if the citi-  
 37 zen satisfies, but for the citizen's nonresident status and the reason  
 38 for absence, the requirements for absentee voting in that State or polit-  
 39 ical subdivision.

40 (g) ABSENTEE REGISTRATION REQUIREMENT.—No citizen of the United  
 41 States who is otherwise qualified to vote by absentee ballot in any State or

1 political subdivision in any election for President and Vice President shall  
 2 be denied the right to vote for the choice of electors for President and Vice  
 3 President, or for President and Vice President, in such election because of  
 4 any requirement of registration that does not include a provision for absent-  
 5 tee registration.

6 (h) STATE OR LOCAL ADOPTION OF LESS RESTRICTIVE PRACTICES.—  
 7 Nothing in this section shall prevent any State or political subdivision from  
 8 adopting less restrictive voting practices than those that are prescribed in  
 9 this section.

10 (i) FALSE REGISTRATION.—Section 317(e) of this title shall apply to  
 11 false registration, and other fraudulent acts and conspiracies, committed  
 12 under this section.

### 13 **§ 333. Bilingual election requirements**

14 (a) DEFINITIONS.—In this section:

15 (1) CITIZENS.—The term “citizens” means citizens of the United  
 16 States.

17 (2) ILLITERACY.—The term “illiteracy” means the failure to com-  
 18 plete the fifth primary grade.

19 (3) INDIAN RESERVATION.—The term “Indian reservation” means  
 20 any area that is an American Indian or Alaska Native area, as defined  
 21 by the Census Bureau for the purposes of the 1990 decennial census.

22 (4) LANGUAGE MINORITIES OR LANGUAGE MINORITY GROUP.—The  
 23 term “language minorities” or “language minority group” means per-  
 24 sons who are American Indian, Asian American, Alaskan Natives, or  
 25 of Spanish heritage.

26 (5) LIMITED-ENGLISH PROFICIENT.—The term “limited-English pro-  
 27 ficient” means unable to speak or understand English adequately  
 28 enough to participate in the electoral process.

29 (6) VOTING MATERIALS.—The term “voting materials” means reg-  
 30 istration or voting notices, forms, instructions, assistance, or other ma-  
 31 terials or information relating to the electoral process, including ballots.

32 (b) FINDINGS AND DECLARATION OF POLICY.—Congress finds that,  
 33 through the use of various practices and procedures, citizens of language  
 34 minorities have been effectively excluded from participation in the electoral  
 35 process. Among other factors, the denial of the right to vote of such minor-  
 36 ity group citizens is ordinarily directly related to the unequal educational  
 37 opportunities afforded them resulting in high illiteracy and low voting par-  
 38 ticipation. Congress declares that, in order to enforce the guarantees of the  
 39 14th and 15th amendments to the United States Constitution, it is nec-  
 40 essary to eliminate such discrimination by prohibiting these practices, and  
 41 by prescribing other remedial devices.

1 (c) BILINGUAL VOTING MATERIALS REQUIREMENT.—

2 (1) IN GENERAL.—Before August 6, 2032, no covered State or polit-  
3 ical subdivision shall provide voting materials only in the English lan-  
4 guage.

5 (2) COVERED STATES AND POLITICAL SUBDIVISIONS.—

6 (A) IN GENERAL.—A State or political subdivision is a covered  
7 State or political subdivision for the purposes of this subsection if  
8 the Director of the Census determines, based on the 2010 Amer-  
9 ican Community Survey census data and subsequent American  
10 Community Survey data in 5-year increments, or comparable cen-  
11 sus data, that—

12 (i)(I) more than 5 percent of the citizens of voting age of  
13 such State or political subdivision are members of a single  
14 language minority and are limited-English proficient;

15 (II) more than 10,000 of the citizens of voting age of such  
16 political subdivision are members of a single language minor-  
17 ity and are limited-English proficient; or

18 (III) in the case of a political subdivision that contains all  
19 or any part of an Indian reservation, more than 5 percent of  
20 the American Indian or Alaska Native citizens of voting age  
21 within the Indian reservation are members of a single lan-  
22 guage minority and are limited-English proficient; and

23 (ii) the illiteracy rate of the citizens in the language minor-  
24 ity as a group is higher than the national illiteracy rate.

25 (B) EXCEPTION.—The prohibitions of this subsection do not  
26 apply in any political subdivision that has less than 5 percent vot-  
27 ing age limited-English proficient citizens of each language minor-  
28 ity which comprises over 5 percent of the statewide limited-English  
29 proficient population of voting age citizens, unless the political  
30 subdivision is a covered political subdivision independently from its  
31 State.

32 (3) DETERMINATIONS EFFECTIVE UPON PUBLICATION AND NOT  
33 SUBJECT TO REVIEW.—The determinations of the Director of the Cen-  
34 sus under this subsection shall be effective upon publication in the Fed-  
35 eral Register and shall not be subject to review in any court.

36 (d) REQUIREMENT TO PROVIDE ELECTORAL MATERIALS FOR LANGUAGE  
37 MINORITY GROUP.—Whenever any State or political subdivision subject to  
38 the prohibition of subsection (c) provides any registration or voting notices,  
39 forms, instructions, assistance, or other materials or information relating to  
40 the electoral process, including ballots, it shall provide them in the language  
41 of the applicable minority group as well as in the English language. How-

1 ever, where the language of the applicable minority group is oral or unwrit-  
 2 ten (or in the case of Alaskan natives and American Indians, if the predomi-  
 3 nant language is historically unwritten) the State or political subdivision is  
 4 only required to furnish oral instructions, assistance, or other information  
 5 relating to registration and voting.

6 (e) ACTION FOR DECLARATORY JUDGMENT PERMITTING ENGLISH-ONLY  
 7 MATERIALS.—Any State or political subdivision subject to the prohibition  
 8 of subsection (c), which seeks to provide English-only registration or voting  
 9 materials or information, including ballots, may file an action against the  
 10 United States in the United States District Court for a declaratory judg-  
 11 ment permitting such provision. The court shall grant the requested relief  
 12 if it determines that the illiteracy rate of the applicable language minority  
 13 group within the State or political subdivision is equal to or less than the  
 14 national illiteracy rate.

### 15 **§ 334. Judicial relief**

16 (a) ACTION FOR RESTRAINING ORDER OR INJUNCTION.—The Attorney  
 17 General may institute for the United States or in the name of the United  
 18 States an action in a district court of the United States, in accordance with  
 19 sections 1391 and 1392 of title 28, for a restraining order, a preliminary  
 20 or permanent injunction, or such other order as the Attorney General deems  
 21 appropriate, whenever the Attorney General has reason to believe that a  
 22 State or political subdivision—

23 (1) has enacted or is seeking to administer any test or device as a  
 24 prerequisite to voting in violation of the prohibition contained in section  
 25 331 of this title; or

26 (2) is undertaking to deny the right to vote in any election in viola-  
 27 tion of section 332 or 333 of this title.

28 (b) HEARING AND DETERMINATION.—An action under this section shall  
 29 be heard and determined by a court of 3 judges in accordance with section  
 30 2284 of title 28, and any appeal shall be to the Supreme Court.

### 31 **§ 335. Penalty**

32 Whoever shall deprive or attempt to deprive any person of any right se-  
 33 cured by section 331, 332, or 333 of this title shall be fined not more than  
 34 \$5,000, imprisoned not more than 5 years, or both.

### 35 **§ 336. Survey to compile registration and voting statistics**

36 (a) REQUIREMENT TO CONDUCT SURVEYS.—

37 (1) IN GENERAL.—Congress directs the Director of the Census forth-  
 38 with to conduct a survey to compile registration and voting statistics—

39 (A) in every State or political subdivision with respect to which  
 40 the prohibitions of section 313(b) of this title are in effect, for

1 every statewide general election for Members of the United States  
2 House of Representatives after January 1, 1974; and

3 (B) in every State or political subdivision for any election des-  
4 ignated by the United States Commission on Civil Rights.

5 (2) CONTENT.—Such surveys shall only include a count of citizens  
6 of voting age, race or color, and national origin, and a determination  
7 of the extent to which such persons are registered to vote and have  
8 voted in the elections surveyed.

9 (b) PROHIBITION AGAINST COMPULSION TO DISCLOSE PERSONAL  
10 DATA.—In any survey under subsection (a) no person shall be compelled to  
11 disclose the person's race, color, national origin, political party affiliation,  
12 or how the person voted (or the reasons therefor), nor shall any penalty be  
13 imposed for the person's failure or refusal to make such disclosures. Every  
14 person interrogated orally, by written survey or questionnaire, or by any  
15 other means with respect to such information shall be fully advised of the  
16 person's right to fail or refuse to furnish such information.

17 (c) REPORTS TO CONGRESS.—The Director of the Census shall, at the  
18 earliest practicable time, report to Congress the results of every survey con-  
19 ducted pursuant to subsection (a).

20 (d) CONFIDENTIALITY OF INFORMATION.—Section 9 and chapter 7 of  
21 title 13 shall apply to any survey, collection, or compilation of registration  
22 and voting statistics carried out under subsection (a).

23 **§ 337. Voting assistance for blind, disabled, or illiterate per-**  
24 **sons**

25 Any voter who requires assistance to vote by reason of blindness, dis-  
26 ability, or inability to read or write may be given assistance by a person  
27 of the voter's choice, other than the voter's employer or agent of that em-  
28 ployer or officer or agent of the voter's union.

29 SUBCHAPTER IV—EIGHTEEN-YEAR-OLD VOTING AGE

30 **§ 351. Definition of State**

31 In this subchapter, the term "State" includes the District of Columbia.

32 **§ 352. Enforcement of 26th amendment**

33 (a) INSTITUTING NECESSARY ACTIONS.—

34 (1) ATTORNEY GENERAL DIRECTED TO INSTITUTE ACTIONS.—The  
35 Attorney General is directed to institute in the name of the United  
36 States such actions against States or political subdivisions, including  
37 actions for injunctive relief, as the Attorney General may determine to  
38 be necessary to implement the 26th article of amendment to the Con-  
39 stitution of the United States.

40 (2) JURISDICTION.—The district courts of the United States shall  
41 have jurisdiction over proceedings instituted under this subchapter,

1 which shall be heard and determined by a court of 3 judges in accord-  
 2 ance with section 2284 of title 28, and any appeal shall lie to the Su-  
 3 preme Court. It shall be the duty of the judges designated to hear the  
 4 case to assign the case for hearing and determination thereof, and to  
 5 cause the case to be in every way expedited.

6 (b) PENALTY.—Whoever denies or attempts to deny any person of any  
 7 right secured by the 26th article of amendment to the Constitution of the  
 8 United States shall be fined not more than \$5,000, imprisoned not more  
 9 than 5 years, or both.

#### 10 SUBCHAPTER V—MISCELLANEOUS

##### 11 **§ 361. Authorization of appropriations**

12 There are authorized to be appropriated such sums as are necessary to  
 13 carry out this chapter.

##### 14 **§ 362. Separability**

15 If any provision of this chapter or the application of any provision thereof  
 16 to any person or circumstance is judicially determined to be invalid, the re-  
 17 mainder of this chapter or the application of such provision to other persons  
 18 or circumstances shall not be affected by such determination.

### 19 **CHAPTER 5—VOTING ACCESSIBILITY FOR THE** 20 **ELDERLY AND HANDICAPPED**

Sec.

- 501. Definitions.
- 502. Selection of polling facilities.
- 503. Selection of registration facilities.
- 504. Registration and voting aids.
- 505. Enforcement.
- 506. Relationship to chapter 3 of title 52.

##### 21 **§ 501. Definitions**

22 In this chapter:

23 (1) ACCESSIBLE.—The term “accessible” means accessible to handi-  
 24 capped and elderly individuals for the purpose of voting or registration,  
 25 as determined under guidelines established by the chief election officer  
 26 of the State involved.

27 (2) ELDERLY.—The term “elderly” means 65 years of age or older.

28 (3) FEDERAL ELECTION.—The term “Federal election” means a  
 29 general, special, primary, or runoff election for the office of President  
 30 or Vice President, or of Senator or Representative in, or Delegate or  
 31 Resident Commissioner to, Congress.

32 (4) HANDICAPPED.—The term “handicapped” means having a tem-  
 33 porary or permanent physical disability.

34 (5) STATE.—The term “State” means a State of the United States,  
 35 the District of Columbia, Puerto Rico, and any territory or possession  
 36 of the United States.

1 **§ 502. Selection of polling facilities**

2 (a) POLLING PLACES TO BE ACCESSIBLE TO HANDICAPPED AND EL-  
3 DERLY VOTERS.—Within each State, except as provided in subsection (b),  
4 each political subdivision responsible for conducting elections shall ensure  
5 that all polling places for Federal elections are accessible to handicapped  
6 and elderly voters.

7 (b) EXCEPTION.—Subsection (a) shall not apply to a polling place—

8 (1) in the case of an emergency, as determined by the chief election  
9 officer of the State; or

10 (2) if the chief election officer of the State—

11 (A) determines that all potential polling places have been sur-  
12 veyed and no such accessible place is available, nor is the political  
13 subdivision able to make one temporarily accessible, in the area in-  
14 volved; and

15 (B) ensures that any handicapped or elderly voter assigned to  
16 an inaccessible polling place, upon advance request of such voter  
17 (pursuant to procedures established by the chief election officer of  
18 the State)—

19 (i) will be assigned to an accessible polling place; or

20 (ii) will be provided with an alternative means for casting  
21 a ballot on the day of the election.

22 **§ 503. Selection of registration facilities**

23 (a) REQUIREMENT TO PROVIDE REASONABLE NUMBER OF ACCESSIBLE  
24 PERMANENT REGISTRATION FACILITIES.—Each State or political subdivi-  
25 sion responsible for registration for Federal elections shall provide a reason-  
26 able number of accessible permanent registration facilities.

27 (b) EXCEPTION.—Subsection (a) does not apply to any State that has in  
28 effect a system that provides an opportunity for each potential voter to reg-  
29 ister by mail or at the residence of such voter.

30 **§ 504. Registration and voting aids**

31 (a) REQUIREMENT TO MAKE REGISTRATION AND VOTING AIDS AVAIL-  
32 ABLE.—Each State shall make available registration and voting aids for  
33 Federal elections for handicapped and elderly individuals, including—

34 (1) instructions, printed in large type, conspicuously displayed at  
35 each permanent registration facility and each polling place; and

36 (2) information by telecommunications devices for the deaf.

37 (b) MEDICAL CERTIFICATION.—No notarization or medical certification  
38 shall be required of a handicapped voter with respect to an absentee ballot  
39 or an application for such ballot, except that medical certification may be  
40 required when the certification establishes eligibility, under State law—

1 (1) to automatically receive an application or a ballot on a continuing  
2 basis; or

3 (2) to apply for an absentee ballot after the deadline has passed.

4 (c) NOTICE OF AVAILABILITY OF REGISTRATION AND VOTING AIDS.—  
5 Not later than general public notice of registration and voting is provided,  
6 the chief election officer of each State shall provide public notice, calculated  
7 to reach elderly and handicapped voters, of—

8 (1) the availability of aids under this section and assistance under  
9 section 337 of this title; and

10 (2) the procedures for voting by absentee ballot.

11 **§ 505. Enforcement**

12 (a) ACTION FOR DECLARATORY OR INJUNCTIVE RELIEF.—If a State or  
13 political subdivision does not comply with this chapter, the United States  
14 Attorney General or a person who is personally aggrieved by the noncompli-  
15 ance may bring an action for declaratory or injunctive relief in the appro-  
16 priate district court.

17 (b) PREREQUISITE NOTICE OF NONCOMPLIANCE.—An action may be  
18 brought under this section only if the plaintiff notifies the chief election offi-  
19 cer of the State of the noncompliance and a period of 45 days has elapsed  
20 since the date of notification.

21 (c) ATTORNEY FEES.—Notwithstanding any other provision of law, no  
22 award of attorney fees may be made with respect to an action under this  
23 section, except in any action brought to enforce the original judgment of  
24 the court.

25 **§ 506. Relationship to chapter 3 of title 52**

26 This chapter shall not be construed to impair any right guaranteed by  
27 chapter 3 of this title.

28 **CHAPTER 7—REGISTRATION AND VOTING BY ABSENT**  
29 **UNIFORMED SERVICES VOTERS AND OVERSEAS VOT-**  
30 **ERS IN ELECTIONS FOR FEDERAL OFFICE**

Sec.

701. Definitions.

702. Federal responsibilities.

703. State responsibilities.

704. Federal write-in absentee ballot in general elections for Federal office for absent uni-  
formed services voters and overseas voters.

705. Use of single application for all subsequent elections.

706. Enforcement.

707. Effect on certain other laws.

31 **§ 701. Definitions**

32 In this chapter:

33 (1) ABSENT UNIFORMED SERVICES VOTER.—The term “absent uni-  
34 formed services voter” means—

1 (A) a member of a uniformed service on active duty who, by  
 2 reason of such active duty, is absent from the place of residence  
 3 where the member is otherwise qualified to vote;

4 (B) a member of the merchant marine who, by reason of service  
 5 in the merchant marine, is absent from the place of residence  
 6 where the member is otherwise qualified to vote; and

7 (C) a spouse or dependent of a member referred to in subpara-  
 8 graph (A) or (B) who, by reason of the active duty or service of  
 9 the member, is absent from the place of residence where the  
 10 spouse or dependent is otherwise qualified to vote.

11 (2) **BALLOTING MATERIALS.**—The term “balloting materials” means  
 12 official post card forms (prescribed under section 702 of this title),  
 13 Federal write-in absentee ballots (prescribed under section 704 of this  
 14 title), and any State balloting materials that, as determined by the  
 15 Presidential designee, are essential to the carrying out of this chapter.

16 (3) **FEDERAL OFFICE.**—The term “Federal office” means the office  
 17 of President or Vice President, or of Senator or Representative in, or  
 18 Delegate or Resident Commissioner to, Congress.

19 (4) **MEMBER OF THE MERCHANT MARINE.**—The term “member of  
 20 the merchant marine” means an individual (other than a member of  
 21 a uniformed service or an individual employed, enrolled, or maintained  
 22 on the Great Lakes or the inland waterways)—

23 (A) employed as an officer or crew member of a vessel docu-  
 24 mented under the laws of the United States, or a vessel owned by  
 25 the United States, or a vessel of foreign-flag registry under char-  
 26 ter to or control of the United States; or

27 (B) enrolled with the United States for employment or training  
 28 for employment, or maintained by the United States for emer-  
 29 gency relief service, as an officer or crew member of any such ves-  
 30 sel.

31 (5) **OVERSEAS VOTER.**—The term “overseas voter” means—

32 (A) an absent uniformed services voter who, by reason of active  
 33 duty or service is absent from the United States on the date of  
 34 the election involved;

35 (B) a person who resides outside the United States and is quali-  
 36 fied to vote in the last place in which the person was domiciled  
 37 before leaving the United States; or

38 (C) a person who resides outside the United States and (but for  
 39 such residence) would be qualified to vote in the last place in  
 40 which the person was domiciled before leaving the United States.

1 (6) STATE.—The term “State” means a State of the United States,  
 2 the District of Columbia, Puerto Rico, Guam, the Virgin Islands, and  
 3 American Samoa.

4 (7) UNIFORMED SERVICES.—The term “uniformed services” means  
 5 the Army, Navy, Air Force, Marine Corps, and Coast Guard, the com-  
 6 missioned corps of the Public Health Service, and the commissioned  
 7 corps of the National Oceanic and Atmospheric Administration.

8 (8) UNITED STATES.—The term “United States”, where used in the  
 9 territorial sense, means the several States, the District of Columbia,  
 10 Puerto Rico, Guam, the Virgin Islands, and American Samoa.

11 **§ 702. Federal responsibilities**

12 (a) PRESIDENTIAL DESIGNEE.—The President shall designate the head  
 13 of an executive department to have primary responsibility for Federal func-  
 14 tions under this chapter.

15 (b) DUTIES OF PRESIDENTIAL DESIGNEE.—The Presidential designee  
 16 shall—

17 (1) consult State and local election officials in carrying out this  
 18 chapter and ensure that such officials are aware of the requirements  
 19 of this chapter;

20 (2) prescribe an official post card form, containing both an absentee  
 21 voter registration application and an absentee ballot application, for  
 22 use by the States as required under section 703(a)(4) of this title;

23 (3) carry out section 704 of this title with respect to the Federal  
 24 write-in absentee ballot for absent uniformed services voters and over-  
 25 seas voters in general elections for Federal office;

26 (4) prescribe a suggested design for absentee ballot mailing envelopes  
 27 for use by the States;

28 (5) compile and distribute—

29 (A) descriptive material on State absentee registration and vot-  
 30 ing procedures; and

31 (B) to the extent practicable, facts relating to specific elections,  
 32 including dates, offices involved, and the text of ballot questions;

33 (6) not later than the end of each year after a Presidential election  
 34 year, transmit to the President and Congress a report on the effective-  
 35 ness of assistance under this chapter, including a statistical analysis of  
 36 uniformed services voter participation, a separate statistical analysis of  
 37 overseas nonmilitary participation, and a description of State-Federal  
 38 cooperation; and

39 (7) prescribe a standard oath for use with any document under this  
 40 chapter affirming that a material misstatement of fact in the comple-

1           tion of such a document may constitute grounds for a conviction for  
2           perjury.

3           (c) DUTIES OF OTHER FEDERAL OFFICIALS.—

4           (1) IN GENERAL.—The head of each Government department, agen-  
5           cy, or other entity shall, upon request of the Presidential designee, dis-  
6           tribute balloting materials and otherwise cooperate in carrying out this  
7           chapter.

8           (2) ADMINISTRATOR OF GENERAL SERVICES.—As directed by the  
9           Presidential designee, the Administrator of General Services shall fur-  
10          nish official post card forms (prescribed under subsection (b)) and Fed-  
11          eral write-in absentee ballots (prescribed under section 704 of this  
12          title).

13       **§ 703. State responsibilities**

14          (a) IN GENERAL.—Each State shall—

15           (1) permit absent uniformed services voters and overseas voters to  
16           use absentee registration procedures and to vote by absentee ballot in  
17           general, special, primary, and runoff elections for Federal office;

18           (2) accept and process, with respect to any election for Federal of-  
19           fice, any otherwise valid voter registration application and absentee bal-  
20           lot application from an absent uniformed services voter or overseas  
21           voter, if the application is received by the appropriate State election of-  
22           ficial not less than 30 days before the election;

23           (3) permit absent uniformed services voters and overseas voters to  
24           use Federal write-in absentee ballots (in accordance with section 704  
25           of this title) in general elections for Federal office;

26           (4) use the official post card form (prescribed under section 702 of  
27           this title) for simultaneous voter registration application and absentee  
28           ballot application; and

29           (5) if the State requires an oath or affirmation to accompany any  
30           document under this chapter, use the standard oath prescribed by the  
31           Presidential designee under section 702(b)(7) of this title.

32          (b) DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION  
33          ON REGISTRATION AND ABSENTEE BALLOT PROCEDURES FOR ALL VOTERS  
34          IN STATE.—

35           (1) IN GENERAL.—Each State shall designate a single office which  
36           shall be responsible for providing information regarding voter registra-  
37           tion procedures and absentee ballot procedures to be used by absent  
38           uniformed services voters and overseas voters with respect to elections  
39           for Federal office (including procedures relating to the use of the Fed-  
40           eral write-in absentee ballot) to all absent uniformed services voters

1 and overseas voters who wish to register to vote or vote in any jurisdic-  
2 tion in the State.

3 (2) RECOMMENDATION REGARDING USE OF OFFICE TO ACCEPT AND  
4 PROCESS MATERIALS.—Congress recommends that the State office des-  
5 ignated under paragraph (1) be responsible for carrying out the State’s  
6 duties under this chapter, including accepting valid voter registration  
7 applications, absentee ballot applications, and absentee ballots (includ-  
8 ing Federal write-in absentee ballots) from all absent uniformed serv-  
9 ices voters and overseas voters who wish to register to vote or vote in  
10 any jurisdiction in the State.

11 (c) REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND  
12 RECEIVED.—

13 (1) IN GENERAL.—Not later than 90 days after the date of each reg-  
14 ularly scheduled general election for Federal office, each State and unit  
15 of local government which administered the election shall (through the  
16 State, in the case of a unit of local government) submit a report to  
17 the Election Assistance Commission (established under chapter 13 of  
18 this title) on the combined number of absentee ballots transmitted to  
19 absent uniformed services voters and overseas voters for the election  
20 and the combined number of such ballots which were returned by such  
21 voters and cast in the election, and shall make such report available  
22 to the general public.

23 (2) FORMAT FOR REPORTS.—The Election Assistance Commission,  
24 working with the Election Assistance Commission Board of Advisors  
25 and the Election Assistance Commission Standards Board, shall de-  
26 velop a standardized format for the reports submitted by States and  
27 units of local government under paragraph (1), and shall make the for-  
28 mat available to the States and units of local government submitting  
29 such reports.

30 (d) REGISTRATION NOTIFICATION.—With respect to each absent uni-  
31 formed services voter and each overseas voter who submits a voter registra-  
32 tion application or an absentee ballot request, if the State rejects the appli-  
33 cation or request, the State shall provide the voter with the reasons for the  
34 rejection.

35 **§ 704. Federal write-in absentee ballot in general elections**  
36 **for Federal office for absent uniformed services**  
37 **voters and overseas voters**

38 (a) IN GENERAL.—The Presidential designee shall prescribe a Federal  
39 write-in absentee ballot (including a secrecy envelope and mailing envelope  
40 for such ballot) for use in general elections for Federal office by absent uni-

1 formed services voters and overseas voters who make timely application for,  
2 and do not receive, States, absentee ballots.

3 (b) SUBMISSION AND PROCESSING.—Except as otherwise provided in this  
4 chapter, a Federal write-in absentee ballot shall be submitted and processed  
5 in the manner provided by law for absentee ballots in the State involved.  
6 A Federal write-in absentee ballot of an absent uniformed services voter or  
7 overseas voter shall not be counted—

8 (1) in the case of a ballot submitted by an overseas voter who is not  
9 an absent uniformed services voter, if the ballot is submitted from any  
10 location in the United States;

11 (2) if the application of the absent uniformed services voter or over-  
12 seas voter for a State absentee ballot is received by the appropriate  
13 State election official after the later of—

14 (A) the deadline of the State for receipt of such application; or

15 (B) the date that is 30 days before the general election; or

16 (3) if a State absentee ballot of the absent uniformed services voter  
17 or overseas voter is received by the appropriate State election official  
18 not later than the deadline for receipt of the State absentee ballot  
19 under State law.

20 (c) SPECIAL RULES.—The following rules shall apply with respect to Fed-  
21 eral write-in absentee ballots:

22 (1) WRITE-IN OF POLITICAL PARTY.—In completing the ballot, the  
23 absent uniformed services voter or overseas voter may designate a candi-  
24 date by writing in the name of the candidate or by writing in the  
25 name of a political party (in which case the ballot shall be counted for  
26 the candidate of that political party).

27 (2) ELECTORS.—In the case of the offices of President and Vice  
28 President, a vote for a named candidate or a vote by writing in the  
29 name of a political party shall be counted as a vote for the electors  
30 supporting the candidate involved.

31 (3) MINOR VARIATIONS IN FORM.—Any abbreviation, misspelling, or  
32 other minor variation in the form of the name of a candidate or a polit-  
33 ical party shall be disregarded in determining the validity of the ballot,  
34 if the intention of the voter can be ascertained.

35 (d) SECOND BALLOT SUBMISSION.—An absent uniformed services voter  
36 or overseas voter who submits a Federal write-in absentee ballot and later  
37 receives a State absentee ballot, may submit the State absentee ballot. The  
38 Presidential designee shall ensure that the instructions for each Federal  
39 write-in absentee ballot clearly state that an absent uniformed services voter  
40 or overseas voter who submits a Federal write-in absentee ballot and later  
41 receives and submits a State absentee ballot should make every reasonable

1 effort to inform the appropriate State election official that the voter has  
2 submitted more than one ballot.

3 (e) USE OF APPROVED STATE ABSENTEE BALLOT IN PLACE OF FED-  
4 ERAL WRITE-IN ABSENTEE BALLOT.—The Federal write-in absentee ballot  
5 shall not be valid for use in a general election if the State involved provides  
6 a State absentee ballot that—

7 (1) at the request of the State, is approved by the Presidential des-  
8 ignee for use in place of the Federal write-in absentee ballot; and

9 (2) is made available to absent uniformed services voters and over-  
10 seas voters at least 60 days before the deadline for receipt of the State  
11 ballot under State law.

12 (f) CERTAIN STATES EXEMPTED.—A State is not required to permit use  
13 of the Federal write-in absentee ballot, if, on and after August 28, 1986,  
14 the State has in effect a law providing that—

15 (1) a State absentee ballot is required to be available to any voter  
16 described in section 701(5)(A) of this title at least 90 days before the  
17 general election involved; and

18 (2) a State absentee ballot is required to be available to any voter  
19 described in section 701(5)(B) or (C) of this title, as soon as the offi-  
20 cial list of candidates in the general election is complete.

21 **§ 705. Use of single application for all subsequent elections**

22 (a) IN GENERAL.—If a State accepts and processes an official post card  
23 form (prescribed under section 702 of this title) submitted by an absent uni-  
24 formed services voter or overseas voter for simultaneous voter registration  
25 and absentee ballot application (in accordance with section 703(a)(4) of this  
26 title) and the voter requests that the application be considered an applica-  
27 tion for an absentee ballot for each subsequent election for Federal office  
28 held in the State through the next 2 regularly scheduled general elections  
29 for Federal office (including any runoff elections which may occur as a re-  
30 sult of the outcome of such general elections), the State shall provide an  
31 absentee ballot to the voter for each such subsequent election.

32 (b) EXCEPTION FOR VOTERS CHANGING REGISTRATION.—Subsection (a)  
33 shall not apply with respect to a voter registered to vote in a State for any  
34 election held after the voter notifies the State that the voter no longer wish-  
35 es to be registered to vote in the State or after the State determines that  
36 the voter has registered to vote in another State.

37 (c) REVISION OF OFFICIAL POST CARD FORM.—The Presidential des-  
38 ignee shall revise the official post card form (prescribed under section 702  
39 of this title) to enable a voter using the form to—

40 (1) request an absentee ballot for each election for Federal office  
41 held in a State during a year; or

1           (2) request an absentee ballot for only the next scheduled election  
2           for Federal office held in a State.

3           (d) NO EFFECT ON VOTER REMOVAL PROGRAMS.—Nothing in this sec-  
4           tion may be construed to prevent a State from removing any voter from the  
5           rolls of registered voters in the State under any program or method per-  
6           mitted under section 906 of this title.

7           (e) PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF  
8           EARLY SUBMISSION.—A State may not refuse to accept or process, with re-  
9           spect to any election for Federal office, any otherwise valid voter registra-  
10          tion application or absentee ballot application (including the postcard form  
11          prescribed under section 702 of this title) submitted by an absent uniformed  
12          services voter during a year on the grounds that the voter submitted the  
13          application before the first date on which the State otherwise accepts or  
14          processes such applications for that year submitted by absentee voters who  
15          are not members of the uniformed services.

16          **§ 706. Enforcement**

17          The Attorney General may bring a civil action in an appropriate district  
18          court for such declaratory or injunctive relief as may be necessary to carry  
19          out this chapter.

20          **§ 707. Effect on certain other laws**

21          The exercise of any right under this chapter shall not affect, for purposes  
22          of any Federal, State, or local tax, the residence or domicile of a person  
23          exercising such right.

24          **CHAPTER 9—NATIONAL VOTER REGISTRATION**

Sec.

901. Definitions.

902. National procedures for voter registration for elections for Federal office.

903. Simultaneous application for voter registration and application for motor vehicle driver's  
license.

904. Mail registration.

905. Voter registration agencies.

906. Requirements with respect to administration of voter registration.

907. Federal coordination and regulations.

908. Designation of chief State election official.

909. Civil enforcement and private right of action.

910. Criminal penalties.

25          **§ 901. Definitions**

26          In this chapter:

27           (1) ELECTION.—The term “election” has the meaning given the  
28           term in section 1101 of this title.

29           (2) FEDERAL OFFICE.—The term “Federal office” has the meaning  
30           given the term in section 1101 of this title.

31           (3) MOTOR VEHICLE DRIVER'S LICENSE.—The term “motor vehicle  
32           driver's license” includes any personal identification document issued  
33           by a State motor vehicle authority.

1 (4) STATE.—The term “State” means a State of the United States  
2 and the District of Columbia.

3 (5) VOTER REGISTRATION AGENCY.—The term “voter registration  
4 agency” means an office designated under section 905(a)(1) of this  
5 title to perform voter registration activities.

6 **§ 902. National procedures for voter registration for elec-**  
7 **tions for Federal office**

8 (a) IN GENERAL.—Except as provided in subsection (b), notwithstanding  
9 any other Federal or State law, in addition to any other method of voter  
10 registration provided for under State law, each State shall establish proce-  
11 dures to register to vote in elections for Federal office—

12 (1) by application made simultaneously with an application for a  
13 motor vehicle driver’s license pursuant to section 903 of this title;

14 (2) by mail application pursuant to section 904 of this title; and

15 (3) by application in person—

16 (A) at the appropriate registration site designated with respect  
17 to the residence of the applicant in accordance with State law; and

18 (B) at a Federal, State, or nongovernmental office designated  
19 under section 905 of this title.

20 (b) NONAPPLICABILITY TO CERTAIN STATES.—This chapter does not  
21 apply to a State described in either or both of the following paragraphs:

22 (1) NO VOTER REGISTRATION REQUIREMENT.—A State in which,  
23 under law that is in effect continuously on and after August 1, 1994,  
24 there is no voter registration requirement for any voter in the State  
25 with respect to an election for Federal office.

26 (2) REGISTRATION ALLOWED AT TIME AND PLACE OF VOTING.—A  
27 State in which, under law that is in effect continuously on and after  
28 August 1, 1994, or that was enacted on or prior to August 1, 1994,  
29 and by its terms is to come into effect upon the enactment of the Na-  
30 tional Voter Registration Act of 1993 (Public Law 103–31, 107 Stat.  
31 77), so long as the law remains in effect, all voters in the State may  
32 register to vote at the polling place at the time of voting in a general  
33 election for Federal office.

34 **§ 903. Simultaneous application for voter registration and**  
35 **application for motor vehicle driver’s license**

36 (a) IN GENERAL.—

37 (1) DRIVER’S LICENSE APPLICATION SERVES AS APPLICATION FOR  
38 VOTER REGISTRATION.—Each State motor vehicle driver’s license appli-  
39 cation (including any renewal application) submitted to the appropriate  
40 State motor vehicle authority under State law shall serve as an applica-

1 tion for voter registration with respect to elections for Federal office  
2 unless the applicant fails to sign the voter registration application.

3 (2) UPDATING PREVIOUS VOTER REGISTRATION.—An application for  
4 voter registration submitted under paragraph (1) shall be considered as  
5 updating any previous voter registration by the applicant.

6 (b) LIMITATION ON USE OF INFORMATION.—No information relating to  
7 the failure of an applicant for a State motor vehicle driver's license to sign  
8 a voter registration application may be used for any purpose other than  
9 voter registration.

10 (c) FORMS AND PROCEDURES.—

11 (1) VOTER REGISTRATION APPLICATION TO BE INCLUDED IN APPLI-  
12 CATION FOR DRIVER'S LICENSE.—Each State shall include a voter reg-  
13 istration application form for elections for Federal office as part of an  
14 application for a State motor vehicle driver's license.

15 (2) CONTENTS OF VOTER REGISTRATION APPLICATION AND RE-  
16 QUIREMENT TO MAKE APPLICATION AVAILABLE TO STATE ELECTION  
17 OFFICIAL.—The voter registration application portion of an application  
18 for a State motor vehicle driver's license—

19 (A) may not require any information that duplicates information  
20 required in the driver's license portion of the form (other than a  
21 second signature or other information necessary under subpara-  
22 graph (C));

23 (B) may require only the minimum amount of information nec-  
24 essary to—

25 (i) prevent duplicate voter registrations; and

26 (ii) enable State election officials to assess the eligibility of  
27 the applicant and to administer voter registration and other  
28 parts of the election process;

29 (C) shall include a statement that—

30 (i) states each eligibility requirement (including citizen-  
31 ship);

32 (ii) contains an attestation that the applicant meets each  
33 such requirement; and

34 (iii) requires the signature of the applicant, under penalty  
35 of perjury;

36 (D) shall include, in print that is identical to that used in the  
37 attestation portion of the application—

38 (i) the information required in section 906(b)(5)(A) and  
39 (B) of this title;

40 (ii) a statement that, if an applicant declines to register to  
41 vote, the fact that the applicant has declined to register will

1 remain confidential and will be used only for voter registra-  
 2 tion purposes; and

3 (iii) a statement that if an applicant does register to vote,  
 4 the office at which the applicant submits a voter registration  
 5 application will remain confidential and will be used only for  
 6 voter registration purposes; and

7 (E) shall be made available (as submitted by the applicant, or  
 8 in machine readable or other format) to the appropriate State  
 9 election official as provided by State law.

10 (d) CHANGE OF ADDRESS.—Any change of address form submitted in ac-  
 11 cordance with State law for purposes of a State motor vehicle driver's li-  
 12 cense shall serve as notification of change of address for voter registration  
 13 with respect to elections for Federal office for the registrant involved unless  
 14 the registrant states on the form that the change of address is not for voter  
 15 registration purposes.

16 (e) TRANSMITTAL DEADLINE.—

17 (1) GENERAL 10-DAY REQUIREMENT.—Subject to paragraph (2), a  
 18 completed voter registration portion of an application for a State motor  
 19 vehicle driver's license accepted at a State motor vehicle authority shall  
 20 be transmitted to the appropriate State election official not later than  
 21 10 days after the date of acceptance.

22 (2) SPECIAL 5-DAY REQUIREMENT.—If a registration application is  
 23 accepted within 5 days before the last day for registration to vote in  
 24 an election, the application shall be transmitted to the appropriate  
 25 State election official not later than 5 days after the date of accept-  
 26 ance.

27 **§ 904. Mail registration**

28 (a) FORMS.—

29 (1) FORM PRESCRIBED BY FEDERAL ELECTION COMMISSION.—Each  
 30 State shall accept and use the mail voter registration application form  
 31 prescribed by the Federal Election Commission pursuant to section  
 32 907(a)(2) of this title for the registration of voters in elections for Fed-  
 33 eral office.

34 (2) ADDITIONAL FORM DEVELOPED BY STATE.—In addition to ac-  
 35 cepting and using the form described in paragraph (1), a State may  
 36 develop and use a mail voter registration form that meets all of the  
 37 criteria stated in section 907(b) of this title for the registration of vot-  
 38 ers in elections for Federal office.

39 (3) CHANGE OF ADDRESS.—A form described in paragraph (1) or  
 40 (2) shall be accepted and used for notification of a registrant's change  
 41 of address.

1 (b) AVAILABILITY OF FORMS.—The chief State election official of a State  
 2 shall make the forms described in subsection (a) available for distribution  
 3 through governmental and private entities, with particular emphasis on  
 4 making them available for organized voter registration programs.

5 (c) FIRST-TIME VOTERS.—

6 (1) IN GENERAL.—Subject to paragraph (2), a State may by law re-  
 7 quire a person to vote in person if—

8 (A) the person was registered to vote in a jurisdiction by mail;

9 and

10 (B) the person has not previously voted in that jurisdiction.

11 (2) EXCEPTION.—Paragraph (1) does not apply in the case of a per-  
 12 son—

13 (A) who is entitled to vote by absentee ballot under chapter 7  
 14 of this title;

15 (B) who is provided the right to vote otherwise than in person  
 16 under section 502(b)(2)(B)(ii) of this title; or

17 (C) who is entitled to vote otherwise than in person under any  
 18 other Federal law.

19 (d) UNDELIVERED NOTICES.—If a notice of the disposition of a mail  
 20 voter registration application under section 906(b)(2) of this title is sent by  
 21 nonforwardable mail and is returned undelivered, the registrar may proceed  
 22 in accordance with section 906(e) of this title.

### 23 **§ 905. Voter registration agencies**

24 (a) DESIGNATION.—

25 (1) IN GENERAL.—Each State shall designate agencies for the reg-  
 26 istration of voters in elections for Federal office.

27 (2) OFFICES PROVIDING PUBLIC ASSISTANCE OR SERVICES TO PER-  
 28 SONS WITH DISABILITIES.—Each State shall designate as voter reg-  
 29 istration agencies—

30 (A) all offices in the State that provide public assistance; and

31 (B) all offices in the State that provide State-funded programs  
 32 primarily engaged in providing services to persons with disabilities.

33 (3) OTHER OFFICES, INCLUDING FEDERAL, STATE, OR LOCAL GOV-  
 34 ERNMENT OFFICES.—

35 (A) IN GENERAL.—In addition to voter registration agencies  
 36 designated under paragraph (2), each State shall designate other  
 37 offices within the State as voter registration agencies.

38 (B) OTHER OFFICES THAT MAY BE INCLUDED.—Voter registra-  
 39 tion agencies designated under subparagraph (A) may include—

40 (i) State or local government offices such as public librar-  
 41 ies, public schools, offices of city and county clerks (including

1 marriage license bureaus), fishing and hunting license bu-  
 2 reaus, government revenue offices, unemployment compensa-  
 3 tion offices, and offices not described in paragraph (2)(B)  
 4 that provide services to persons with disabilities; and

5 (ii) Federal and nongovernmental offices, with the agree-  
 6 ment of such offices.

7 (4) SERVICES TO BE MADE AVAILABLE.—

8 (A) IN GENERAL.—At each voter registration agency, the fol-  
 9 lowing services shall be made available:

10 (i) DISTRIBUTION.—Distribution of mail voter registration  
 11 application forms in accordance with paragraph (6).

12 (ii) ASSISTANCE.—Assistance to applicants in completing  
 13 voter registration application forms, unless the applicant re-  
 14 fuses such assistance.

15 (iii) ACCEPTANCE FOR TRANSMITTAL.—Acceptance of com-  
 16 pleted voter registration application forms for transmittal to  
 17 the appropriate State election official.

18 (B) IN-HOME SERVICES.—If a voter registration agency des-  
 19 ignated under paragraph (2)(B) provides services to a person with  
 20 a disability at the person's home, the agency shall provide the  
 21 services described in subparagraph (A) at the person's home.

22 (5) PROHIBITED CONDUCT OF PERSON PROVIDING SERVICES.—A  
 23 person who provides service described in paragraph (4) shall not—

24 (A) seek to influence an applicant's political preference or party  
 25 registration;

26 (B) display any such political preference or party allegiance;

27 (C) make any statement to an applicant or take any action the  
 28 purpose or effect of which is to discourage the applicant from reg-  
 29 istering to vote; or

30 (D) make any statement to an applicant or take any action the  
 31 purpose or effect of which is to lead the applicant to believe that  
 32 a decision to register or not to register has any bearing on the  
 33 availability of services or benefits.

34 (6) OFFICES PROVIDING SERVICE OR ASSISTANCE.—A voter registra-  
 35 tion agency that is an office that provides service or assistance in addi-  
 36 tion to conducting voter registration shall—

37 (A) distribute with each application for such service or assist-  
 38 ance, and with each recertification, renewal, or change of address  
 39 form relating to such service or assistance—

40 (i) the mail voter registration application form described in  
 41 section 907(a)(2) of this title, including a statement that—

1 (I) specifies each eligibility requirement (including citi-  
2 zenship);

3 (II) contains an attestation that the applicant meets  
4 each such requirement; and

5 (III) requires the signature of the applicant, under  
6 penalty of perjury; or

7 (ii) the office's own form if it is equivalent to the form de-  
8 scribed in section 907(a)(2) of this title,

9 unless the applicant, in writing, declines to register to vote;

10 (B) provide a form that includes—

11 (i) the question, "If you are not registered to vote where  
12 you live now, would you like to apply to register to vote here  
13 today?";

14 (ii) if the agency provides public assistance, the statement,  
15 "Applying to register or declining to register to vote will not  
16 affect the amount of assistance that you will be provided by  
17 this agency.";

18 (iii) boxes for the applicant to check to indicate whether  
19 the applicant would like to register or declines to register to  
20 vote (failure to check either box being deemed to constitute  
21 a declination to register for purposes of subparagraph (C)),  
22 together with the statement (in close proximity to the boxes  
23 and in prominent type), "IF YOU DO NOT CHECK EI-  
24 THER BOX, YOU WILL BE CONSIDERED TO HAVE  
25 DECIDED NOT TO REGISTER TO VOTE AT THIS  
26 TIME.";

27 (iv) the statement, "If you would like help in filling out the  
28 voter registration application form, we will help you. The de-  
29 cision whether to seek or accept help is yours. You may fill  
30 out the application form in private."; and

31 (v) the statement, "If you believe that someone has inter-  
32 ferred with your right to register or to decline to register to  
33 vote, your right to privacy in deciding whether to register or  
34 in applying to register to vote, or your right to choose your  
35 own political party or other political preference, you may file  
36 a complaint with \_\_\_\_\_.", the blank being filled by the  
37 name, address, and telephone number of the appropriate offi-  
38 cial to whom such a complaint should be addressed; and

39 (C) provide to each applicant who does not decline to register  
40 to vote the same degree of assistance with regard to the comple-  
41 tion of the registration application form as is provided by the of-

1            fice with regard to the completion of its own forms, unless the ap-  
2            plicant refuses such assistance.

3            (7) NO USE OF INFORMATION FOR OTHER PURPOSES.—No informa-  
4            tion relating to a declination to register to vote in connection with an  
5            application made at an office described in paragraph (6) may be used  
6            for any purpose other than voter registration.

7            (b) FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION.—All  
8            departments, agencies, and other entities of the executive branch of the  
9            Federal Government shall, to the greatest extent practicable, cooperate with  
10           the States in carrying out subsection (a), and all nongovernmental entities  
11           are encouraged to do so.

12           (c) ARMED FORCES RECRUITMENT OFFICES.—

13           (1) PROCEDURES FOR VOTER REGISTRATION.—Each State and the  
14           Secretary of Defense shall jointly develop and implement procedures for  
15           persons to apply to register to vote at recruitment offices of the Armed  
16           Forces of the United States.

17           (2) RECRUITMENT OFFICES TO BE CONSIDERED VOTER REGISTRA-  
18           TION AGENCIES.—A recruitment office of the Armed Forces of the  
19           United States shall be considered to be a voter registration agency des-  
20           ignated under subsection (a)(2) for all purposes of this chapter.

21           (d) TRANSMITTAL DEADLINE.—

22           (1) GENERAL 10-DAY REQUIREMENT.—Subject to paragraph (2), a  
23           completed registration application accepted at a voter registration  
24           agency shall be transmitted to the appropriate State election official  
25           not later than 10 days after the date of acceptance.

26           (2) SPECIAL 5-DAY REQUIREMENT.—If a registration application is  
27           accepted within 5 days before the last day for registration to vote in  
28           an election, the application shall be transmitted to the appropriate  
29           State election official not later than 5 days after the date of accept-  
30           ance.

31           **§ 906. Requirements with respect to administration of voter**  
32           **registration**

33           (a) DEFINITION OF REGISTRAR'S JURISDICTION.—In this section, the  
34           term “registrar’s jurisdiction” means—

35           (1) an incorporated city, town, borough, or other form of munici-  
36           pality;

37           (2) if voter registration is maintained by a county, parish, or other  
38           unit of government that governs a larger geographic area than a mu-  
39           nicipality, the geographic area governed by that unit of government; or

40           (3) if voter registration is maintained on a consolidated basis for  
41           more than one municipality or other unit of government by an office

1 that performs all of the functions of a voting registrar, the geographic  
2 area of the consolidated municipalities or other geographic units.

3 (b) IN GENERAL.—In the administration of voter registration for elec-  
4 tions for Federal office, each State shall—

5 (1) ensure that any eligible applicant is registered to vote in an elec-  
6 tion—

7 (A) in the case of registration with a motor vehicle application  
8 under section 903 of this title, if the valid voter registration form  
9 of the applicant is submitted to the appropriate State motor vehi-  
10 cle authority not later than the lesser of 30 days, or the period  
11 provided by State law, before the date of the election;

12 (B) in the case of registration by mail under section 904 of this  
13 title, if the valid voter registration form of the applicant is post-  
14 marked not later than the lesser of 30 days, or the period provided  
15 by State law, before the date of the election;

16 (C) in the case of registration at a voter registration agency, if  
17 the valid voter registration form of the applicant is accepted at the  
18 voter registration agency not later than the lesser of 30 days, or  
19 the period provided by State law, before the date of the election;  
20 and

21 (D) in any other case, if the valid voter registration form of the  
22 applicant is received by the appropriate State election official not  
23 later than the lesser of 30 days, or the period provided by State  
24 law, before the date of the election;

25 (2) require the appropriate State election official to send notice to  
26 each applicant of the disposition of the application;

27 (3) provide that the name of a registrant may not be removed from  
28 the official list of eligible voters except—

29 (A) at the request of the registrant;

30 (B) as provided by State law, by reason of criminal conviction  
31 or mental incapacity; or

32 (C) as provided under paragraph (4);

33 (4) conduct a general program that makes a reasonable effort to re-  
34 move the names of ineligible voters from the official lists of eligible vot-  
35 ers by reason of—

36 (A) the death of the registrant; or

37 (B) a change in the residence of the registrant, in accordance  
38 with subsections (c), (d), and (e);

39 (5) inform applicants under sections 903, 904, and 905 of this title  
40 of—

41 (A) voter eligibility requirements; and

1 (B) penalties provided by law for submission of a false voter  
2 registration application; and

3 (6) ensure that the identity of the voter registration agency through  
4 which any particular voter is registered is not disclosed to the public.

5 (c) CONFIRMATION OF VOTER REGISTRATION.—Any State program or  
6 activity to protect the integrity of the electoral process by ensuring the  
7 maintenance of an accurate and current voter registration roll for elections  
8 for Federal office—

9 (1) shall be uniform, nondiscriminatory, and in compliance with  
10 chapter 3 of this title; and

11 (2) shall not result in the removal of the name of any person from  
12 the official list of voters registered to vote in an election for Federal  
13 office by reason of the person's failure to vote, except that nothing in  
14 this paragraph may be construed to prohibit a State from using the  
15 procedures described in subsections (d) and (e) to remove an individual  
16 from the official list of eligible voters if the individual—

17 (A) has not either notified the applicable registrar (in person or  
18 in writing) or responded during the period described in subpara-  
19 graph (B) to the notice sent by the applicable registrar; and then

20 (B) has not voted or appeared to vote in 2 or more consecutive  
21 general elections for Federal office.

22 (d) VOTER REMOVAL PROGRAMS.—

23 (1) CHANGE-OF-ADDRESS SUPPLIED BY POSTAL SERVICE.—A State  
24 may meet the requirement of subsection (b)(4) by establishing a pro-  
25 gram under which—

26 (A) change-of-address information supplied by the Postal Serv-  
27 ice through its licensees is used to identify registrants whose ad-  
28 dresses may have changed; and

29 (B) if it appears from information provided by the Postal Serv-  
30 ice that—

31 (i) a registrant has moved to a different residence address  
32 in the same registrar's jurisdiction in which the registrant is  
33 currently registered, the registrar changes the registration  
34 records to show the new address and sends the registrant a  
35 notice of the change by forwardable mail and a postage pre-  
36 paid pre-addressed return form by which the registrant may  
37 verify or correct the address information; or

38 (ii) the registrant has moved to a different residence ad-  
39 dress not in the same registrar's jurisdiction, the registrar  
40 uses the notice procedure described in subsection (e)(2) to  
41 confirm the change of address.

## (2) TIME FOR COMPLETION.—

(A) IN GENERAL.—A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) EXCEPTIONS.—Subparagraph (A) shall not be construed to preclude—

(i) the removal of names from official lists of voters on a basis described in paragraph (3)(A) or (B) or (4)(A) of subsection (b); or

(ii) correction of registration records pursuant to this chapter.

## (e) REMOVAL OF NAMES FROM VOTING ROLLS.—

(1) CONFIRMATION OF CHANGED RESIDENCE OR FAILURE TO RESPOND TO NOTICE.—A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) NOTICE DESCRIBED.—A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (b)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general

1 election for Federal office that occurs after the date of the notice,  
 2 and if the registrant does not vote in an election during that pe-  
 3 riod the registrant's name will be removed from the list of eligible  
 4 voters.

5 (B) If the registrant has changed residence to a place outside  
 6 the registrar's jurisdiction in which the registrant is registered, in-  
 7 formation concerning how the registrant can continue to be eligible  
 8 to vote.

9 (3) CORRECTION OF OFFICIAL LIST OF ELIGIBLE VOTERS.—A voting  
 10 registrar shall correct an official list of eligible voters in elections for  
 11 Federal office in accordance with change of residence information ob-  
 12 tained in conformance with this subsection.

13 (f) PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.—

14 (1) SAME POLLING PLACE.—A registrant who has moved from an  
 15 address in the area covered by a polling place to an address in the  
 16 same area shall, notwithstanding failure to notify the registrar of the  
 17 change of address prior to the date of an election, be permitted to vote  
 18 at that polling place upon oral or written affirmation by the registrant  
 19 of the change of address before an election official at that polling place.

20 (2) NEW POLLING PLACE BUT WITHIN SAME REGISTRAR'S JURISDIC-  
 21 TION AND SAME CONGRESSIONAL DISTRICT.—

22 (A) IN GENERAL.—A registrant who has moved from an address  
 23 in the area covered by one polling place to an address in an area  
 24 covered by a second polling place within the same registrar's jurisdic-  
 25 tion and the same congressional district and who has failed to  
 26 notify the registrar of the change of address prior to the date of  
 27 an election, at the option of the registrant—

28 (i) shall be permitted to correct the voting records and vote  
 29 at the registrant's former polling place, upon oral or written  
 30 affirmation by the registrant of the new address before an  
 31 election official at that polling place; or

32 (ii)(I) shall be permitted to correct the voting records and  
 33 vote at a central location within the same registrar's jurisdic-  
 34 tion designated by the registrar where a list of eligible voters  
 35 is maintained, upon written affirmation by the registrant of  
 36 the new address on a standard form provided by the registrar  
 37 at the central location; or

38 (II) shall be permitted to correct the voting records for  
 39 purposes of voting in future elections at the appropriate poll-  
 40 ing place for the current address and, if permitted by State  
 41 law, shall be permitted to vote in the present election, upon

1 confirmation by the registrant of the new address by such  
2 means as are required by law.

3 (B) EFFECT OF STATE LAW.—If State law permits the reg-  
4 istrant to vote in the current election upon oral or written affirma-  
5 tion by the registrant of the new address at a polling place de-  
6 scribed in subparagraph (A)(i) or (A)(ii)(II), voting at the other  
7 locations described in subparagraph (A) need not be provided as  
8 options.

9 (3) REGISTRANT CONTINUES TO RESIDE AT ADDRESS PREVIOUSLY  
10 MADE KNOWN.—If the registration records indicate that a registrant  
11 has moved from an address in the area covered by a polling place, the  
12 registrant shall, upon oral or written affirmation by the registrant be-  
13 fore an election official at that polling place that the registrant con-  
14 tinues to reside at the address previously made known to the registrar,  
15 be permitted to vote at that polling place.

16 (g) CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION.—In the case  
17 of a change of address, for voting purposes, of a registrant to another ad-  
18 dress within the same registrar's jurisdiction, the registrar shall correct the  
19 voting registration list accordingly, and the registrant's name may not be  
20 removed from the official list of eligible voters by reason of such a change  
21 of address except as provided in subsection (e).

22 (h) CONVICTION IN FEDERAL COURT.—

23 (1) WRITTEN NOTICE OF FELONY CONVICTION.—On the conviction  
24 of a person of a felony in a district court of the United States, the  
25 United States attorney shall give written notice of the conviction to the  
26 chief State election official designated under section 908 of this title  
27 of the State of the person's residence.

28 (2) REQUIRED CONTENTS OF NOTICE.—A notice given pursuant to  
29 paragraph (1) shall include—

- 30 (A) the name of the offender;
- 31 (B) the offender's age and residence address;
- 32 (C) the date of entry of the judgment;
- 33 (D) a description of the offenses of which the offender was con-  
34 victed; and
- 35 (E) the sentence imposed by the court.

36 (3) ADDITIONAL INFORMATION REQUESTED BY STATE OFFICIAL.—  
37 On request of the chief State election official of a State or other State  
38 official with responsibility for determining the effect that a conviction  
39 may have on an offender's qualification to vote, the United States at-  
40 torney shall provide such additional information as the United States

1 attorney may have concerning the offender and the offense of which the  
2 offender was convicted.

3 (4) WRITTEN NOTICE OF OVERTURNED CONVICTION AND VACATION  
4 OF JUDGMENT.—If a conviction of which notice was given pursuant to  
5 paragraph (1) is overturned, the United States attorney shall give the  
6 official to whom the notice was given written notice of the vacation of  
7 the judgment.

8 (5) NOTICE FROM CHIEF STATE OFFICIAL TO LOCAL JURISDICTION  
9 OFFICIALS.—The chief State election official shall notify the voter reg-  
10 istration officials of the local jurisdiction in which an offender resides  
11 of the information received under this subsection.

12 (i) PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES.—

13 (1) MAINTENANCE AND AVAILABILITY OF RECORDS.—Each State  
14 shall maintain for at least 2 years and shall make available for public  
15 inspection and, where available, photocopying at a reasonable cost, all  
16 records concerning the implementation of programs and activities con-  
17 ducted for the purpose of ensuring the accuracy and currency of official  
18 lists of eligible voters, except to the extent that such records relate to  
19 a declination to register to vote or to the identity of a voter registration  
20 agency through which any particular voter is registered.

21 (2) CONTENTS OF RECORDS.—The records maintained pursuant to  
22 paragraph (1) shall include lists of the names and addresses of all per-  
23 sons to whom notices described in subsection (e)(2) of this section are  
24 sent, and information concerning whether or not each such person has  
25 responded to the notice as of the date that inspection of the records  
26 is made.

27 **§ 907. Federal coordination and regulations**

28 (a) IN GENERAL.—The Election Assistance Commission—

29 (1) in consultation with the chief election officers of the States, shall  
30 prescribe such regulations as are necessary to carry out paragraphs (2)  
31 and (3);

32 (2) in consultation with the chief election officers of the States, shall  
33 develop a mail voter registration application form for elections for Fed-  
34 eral office;

35 (3) not later than June 30 of each odd-numbered year, shall submit  
36 to Congress a report assessing the impact of this chapter on the admin-  
37 istration of elections for Federal office during the preceding 2-year pe-  
38 riod and including recommendations for improvements in Federal and  
39 State procedures, forms, and other matters affected by this chapter;  
40 and

1 (4) shall provide information to the States with respect to the re-  
2 sponsibilities of the States under this chapter.

3 (b) CONTENTS OF MAIL VOTER REGISTRATION FORM.—The mail voter  
4 registration form developed under subsection (a)(2)—

5 (1) may require only such identifying information (including the sig-  
6 nature of the applicant) and other information (including data relating  
7 to previous registration by the applicant), as is necessary to enable the  
8 appropriate State election official to assess the eligibility of the appli-  
9 cant and to administer voter registration and other parts of the election  
10 process;

11 (2) shall include a statement that—

12 (A) specifies each eligibility requirement (including citizenship);

13 (B) contains an attestation that the applicant meets each such  
14 requirement; and

15 (C) requires the signature of the applicant, under penalty of  
16 perjury;

17 (3) may not include any requirement for notarization or other formal  
18 authentication; and

19 (4) shall include, in print that is identical to that used in the attesta-  
20 tion portion of the application—

21 (A) the information required in section 906(b)(5)(A) and (B) of  
22 this title;

23 (B) a statement that, if an applicant declines to register to vote,  
24 the fact that the applicant has declined to register will remain con-  
25 fidential and will be used only for voter registration purposes; and

26 (C) a statement that if an applicant does register to vote, the  
27 office at which the applicant submits a voter registration applica-  
28 tion will remain confidential and will be used only for voter reg-  
29 istration purposes.

### 30 **§ 908. Designation of chief State election official**

31 Each State shall designate a State officer or employee as the chief State  
32 election official to be responsible for coordination of State responsibilities  
33 under this chapter.

### 34 **§ 909. Civil enforcement and private right of action**

35 (a) ATTORNEY GENERAL.—The Attorney General may bring a civil action  
36 in an appropriate district court for such declaratory or injunctive relief as  
37 is necessary to carry out this chapter.

38 (b) PRIVATE RIGHT OF ACTION.—

39 (1) WRITTEN NOTICE OF VIOLATION TO CHIEF ELECTION OFFI-  
40 CIAL.—A person who is aggrieved by a violation of this chapter may

1 provide written notice of the violation to the chief election official of  
2 the State involved.

3 (2) CIVIL ACTION FOR DECLARATORY OR INJUNCTIVE RELIEF.—If  
4 the violation is not corrected within 90 days after receipt of a notice  
5 under paragraph (1), or within 20 days after receipt of the notice if  
6 the violation occurred within 120 days before the date of an election  
7 for Federal office, the aggrieved person may bring a civil action in an  
8 appropriate district court for declaratory or injunctive relief with re-  
9 spect to the violation.

10 (3) VIOLATION WITHIN 30 DAYS BEFORE ELECTION.—If the violation  
11 occurred within 30 days before the date of an election for Federal of-  
12 fice, the aggrieved person need not provide notice to the chief election  
13 official of the State under paragraph (1) before bringing a civil action  
14 under paragraph (2).

15 (c) ATTORNEY FEES.—In a civil action under this section, the court may  
16 allow the prevailing party (other than the United States) reasonable attor-  
17 ney fees, including litigation expenses, and costs.

18 (d) RELATION TO OTHER LAWS.—

19 (1) RIGHTS AND REMEDIES ARE ADDITIONAL.—The rights and reme-  
20 dies established by this section are in addition to all other rights and  
21 remedies provided by law, and neither the rights and remedies estab-  
22 lished by this section nor any other provision of this chapter shall su-  
23 persede, restrict, or limit the application of chapter 3 of this title.

24 (2) PROHIBITED CONDUCT NOT AUTHORIZED.—Nothing in this  
25 chapter authorizes or requires conduct that is prohibited by chapter 3  
26 of this title.

## 27 **§ 910. Criminal penalties**

28 A person, including an election official, who in any election for Federal  
29 office—

30 (1) knowingly and willfully intimidates, threatens, or coerces, or at-  
31 tempts to intimidate, threaten, or coerce, any person for—

32 (A) registering to vote, or voting, or attempting to register or  
33 vote;

34 (B) urging or aiding any person to register to vote, to vote, or  
35 to attempt to register or vote; or

36 (C) exercising any right under this chapter; or

37 (2) knowingly and willfully deprives, defrauds, or attempts to deprive  
38 or defraud the residents of a State of a fair and impartially conducted  
39 election process, by—

40 (A) the procurement or submission of voter registration applica-  
41 tions that are known by the person to be materially false, ficti-



1 (1) AUTHORIZED COMMITTEE.—The term “authorized committee”  
 2 means the principal campaign committee or any other political com-  
 3 mittee authorized by a candidate under section 1111(e)(1) of this title  
 4 to receive contributions or make expenditures on behalf of such can-  
 5 didate.

6 (2) CANDIDATE.—The term “candidate” means an individual who  
 7 seeks nomination for election, or election, to Federal office, and for  
 8 purposes of this paragraph, an individual shall be deemed to seek nomi-  
 9 nation for election, or election—

10 (A) if such individual has received contributions aggregating in  
 11 excess of \$5,000 or has made expenditures aggregating in excess  
 12 of \$5,000; or

13 (B) if such individual has given his or her consent to another  
 14 person to receive contributions or make expenditures on behalf of  
 15 such individual and if such person has received such contributions  
 16 aggregating in excess of \$5,000 or has made such expenditures ag-  
 17 gregating in excess of \$5,000.

18 (3) CLEARLY IDENTIFIED.—The term “clearly identified” means  
 19 that—

20 (A) the name of the candidate involved appears;

21 (B) a photograph or drawing of the candidate appears; or

22 (C) the identity of the candidate is apparent by unambiguous  
 23 reference.

24 (4) COMMISSION.—The term “Commission” means the Federal Elec-  
 25 tion Commission.

26 (5) CONNECTED ORGANIZATION.—The term “connected organiza-  
 27 tion” means any organization which is not a political committee but  
 28 which directly or indirectly establishes, administers or financially sup-  
 29 ports a political committee.

30 (6) CONTRIBUTION.—

31 (A) The term “contribution” includes—

32 (i) any gift, subscription, loan, advance, or deposit of  
 33 money or anything of value made by any person for the pur-  
 34 pose of influencing any election for Federal office; or

35 (ii) the payment by any person of compensation for the  
 36 personal services of another person which are rendered to a  
 37 political committee without charge for any purpose.

38 (B) The term “contribution” does not include—

39 (i) the value of services provided without compensation by  
 40 any individual who volunteers on behalf of a candidate or po-  
 41 litical committee;

1 (ii) the use of real or personal property, including a church  
2 or community room used on a regular basis by members of  
3 a community for noncommercial purposes, and the cost of in-  
4 vitations, food, and beverages, voluntarily provided by an indi-  
5 vidual to any candidate or any political committee of a polit-  
6 ical party in rendering voluntary personal services on the in-  
7 dividual's residential premises or in the church or community  
8 room for candidate-related or political party-related activities,  
9 to the extent that the cumulative value of such invitations,  
10 food, and beverages provided by such individual on behalf of  
11 any single candidate does not exceed \$1,000 with respect to  
12 any single election, and on behalf of all political committees  
13 of a political party does not exceed \$2,000 in any calendar  
14 year;

15 (iii) the sale of any food or beverage by a vendor for use  
16 in any candidate's campaign or for use by or on behalf of any  
17 political committee of a political party at a charge less than  
18 the normal comparable charge, if such charge is at least equal  
19 to the cost of such food or beverage to the vendor, to the ex-  
20 tent that the cumulative value of such activity by such vendor  
21 on behalf of any single candidate does not exceed \$1,000 with  
22 respect to any single election, and on behalf of all political  
23 committees of a political party does not exceed \$2,000 in any  
24 calendar year;

25 (iv) any unreimbursed payment for travel expenses made  
26 by any individual on behalf of any candidate or any political  
27 committee of a political party, to the extent that the cumu-  
28 lative value of such activity by such individual on behalf of  
29 any single candidate does not exceed \$1,000 with respect to  
30 any single election, and on behalf of all political committees  
31 of a political party does not exceed \$2,000 in any calendar  
32 year;

33 (v) the payment by a State or local committee of a political  
34 party of the costs of preparation, display, or mailing or other  
35 distribution incurred by such committee with respect to a  
36 printed slate card or sample ballot, or other printed listing,  
37 of 3 or more candidates for any public office for which an  
38 election is held in the State in which such committee is orga-  
39 nized, except that this clause shall not apply to any cost in-  
40 curred by such committee with respect to a display of any  
41 such listing made on broadcasting stations, or in newspapers,

1 magazines, or similar types of general public political adver-  
2 tising;

3 (vi) any payment made or obligation incurred by a corpora-  
4 tion or a labor organization which, under section 1154(a),  
5 (c)–(f) of this title, would not constitute an expenditure by  
6 such corporation or labor organization;

7 (vii) any loan of money by a State bank, a federally char-  
8 tered depository institution, or a depository institution the de-  
9 posits or accounts of which are insured by the Federal De-  
10 posit Insurance Corporation or the National Credit Union Ad-  
11 ministration, other than any overdraft made with respect to  
12 a checking or savings account, made in accordance with appli-  
13 cable law and in the ordinary course of business, but such  
14 loan—

15 (I) shall be considered a loan by each endorser or  
16 guarantor, in that proportion of the unpaid balance that  
17 each endorser or guarantor bears to the total number of  
18 endorsers or guarantors;

19 (II) shall be made on a basis which assures repay-  
20 ment, evidenced by a written instrument, and subject to  
21 a due date or amortization schedule; and

22 (III) shall bear the usual and customary interest rate  
23 of the lending institution;

24 (viii) any legal or accounting services rendered to or on be-  
25 half of—

26 (I) any political committee of a political party if the  
27 person paying for such services is the regular employer  
28 of the person rendering such services and if such services  
29 are not attributable to activities which directly further  
30 the election of any designated candidate to Federal of-  
31 fice; or

32 (II) an authorized committee of a candidate or any  
33 other political committee, if the person paying for such  
34 services is the regular employer of the individual ren-  
35 dering such services and if such services are solely for  
36 the purpose of ensuring compliance with this chapter or  
37 chapter 25 or 27 of this title,

38 but amounts paid or incurred by the regular employer for  
39 such legal or accounting services shall be reported in accord-  
40 ance with section 1121(b) of this title by the committee re-  
41 ceiving such services;

1 (ix) the payment by a State or local committee of a polit-  
2 ical party of the costs of campaign materials (such as pins,  
3 bumper stickers, handbills, brochures, posters, party tabloids,  
4 and yard signs) used by such committee in connection with  
5 volunteer activities on behalf of nominees of such party inso-  
6 far as—

7 (I) such payments are not for the costs of campaign  
8 materials or activities used in connection with any broad-  
9 casting, newspaper, magazine, billboard, direct mail, or  
10 similar type of general public communication or political  
11 advertising;

12 (II) such payments are made from contributions sub-  
13 ject to the limitations and prohibitions of this chapter;  
14 and

15 (III) such payments are not made from contributions  
16 designated to be spent on behalf of a particular can-  
17 didate or particular candidates;

18 (x) the payment by a candidate, for nomination or election  
19 to any public office (including State or local office), or au-  
20 thorized committee of a candidate, of the costs of campaign  
21 materials which include information on or referenced to any  
22 other candidate and which are used in connection with volun-  
23 teer activities (including pins, bumper stickers, handbills, bro-  
24 chures, posters, and yard signs, but not including the use of  
25 broadcasting, newspapers, magazines, billboards, direct mail,  
26 or similar types of general public communication or political  
27 advertising), insofar as such payments are made from con-  
28 tributions subject to the limitations and prohibitions of this  
29 chapter;

30 (xi) the payment by a State or local committee of a polit-  
31 ical party of the costs of voter registration and get-out-the-  
32 vote activities conducted by such committee on behalf of  
33 nominees of such party for President and Vice President, in-  
34 sofar as—

35 (I) such payments are not for the costs of campaign  
36 materials or activities used in connection with any broad-  
37 casting, newspaper, magazine, billboard, direct mail, or  
38 similar type of general public communication or political  
39 advertising;

1 (II) such payments are made from contributions sub-  
 2 ject to the limitations and prohibitions of this chapter;  
 3 and

4 (III) such payments are not made from contributions  
 5 designated to be spent on behalf of a particular can-  
 6 didate or candidates;

7 (xii) payments made by a candidate or the authorized com-  
 8 mittee of a candidate as a condition of ballot access and pay-  
 9 ments received by any political party committee as a condi-  
 10 tion of ballot access;

11 (xiii) any honorarium (within the meaning of section 1160  
 12 of this title); and

13 (xiv) any loan of money derived from an advance on a can-  
 14 didate's brokerage account, credit card, home equity line of  
 15 credit, or other line of credit available to the candidate, if  
 16 such loan is made in accordance with applicable law and  
 17 under commercially reasonable terms and if the person mak-  
 18 ing such loan makes loans derived from an advance on the  
 19 candidate's brokerage account, credit card, home equity line  
 20 of credit, or other line of credit in the normal course of the  
 21 person's business.

22 (7) ELECTION.—The term “election” means—

23 (A) a general, special, primary, or runoff election;

24 (B) a convention or caucus of a political party which has au-  
 25 thority to nominate a candidate;

26 (C) a primary election held for the selection of delegates to a  
 27 national nominating convention of a political party; and

28 (D) a primary election held for the expression of a preference  
 29 for the nomination of individuals for election to the office of Presi-  
 30 dent.

31 (8) ELECTION CYCLE.—For purposes of sections 1152(i) and 1153  
 32 of this title and paragraph (18), the term “election cycle” means the  
 33 period beginning on the day after the date of the most recent election  
 34 for the specific office or seat that a candidate is seeking and ending  
 35 on the date of the next election for that office or seat. For purposes  
 36 of the preceding sentence, a primary election and a general election  
 37 shall be considered to be separate elections.

38 (9) EXPENDITURE.—

39 (A) The term “expenditure” includes—

40 (i) any purchase, payment, distribution, loan, advance, de-  
 41 posit, or gift of money or anything of value, made by any per-

1 son for the purpose of influencing any election for Federal of-  
2 fice; and

3 (ii) a written contract, promise, or agreement to make an  
4 expenditure.

5 (B) The term “expenditure” does not include—

6 (i) any news story, commentary, or editorial distributed  
7 through the facilities of any broadcasting station, newspaper,  
8 magazine, or other periodical publication, unless such facili-  
9 ties are owned or controlled by any political party, political  
10 committee, or candidate;

11 (ii) nonpartisan activity designed to encourage individuals  
12 to vote or to register to vote;

13 (iii) any communication by any membership organization or  
14 corporation to its members, stockholders, or executive or ad-  
15 ministrative personnel, if such membership organization or  
16 corporation is not organized primarily for the purpose of in-  
17 fluencing the nomination for election, or election, of any indi-  
18 vidual to Federal office, except that the costs incurred by a  
19 membership organization (including a labor organization) or  
20 by a corporation directly attributable to a communication ex-  
21 pressly advocating the election or defeat of a clearly identified  
22 candidate (other than a communication primarily devoted to  
23 subjects other than the express advocacy of the election or de-  
24 feat of a clearly identified candidate), shall, if such costs ex-  
25 ceed \$2,000 for any election, be reported to the Commission  
26 in accordance with section 1121(a)(4)(A)(i) of this title, and  
27 in accordance with section 1121(a)(4)(A)(ii) of this title with  
28 respect to any general election;

29 (iv) the payment by a State or local committee of a polit-  
30 ical party of the costs of preparation, display, or mailing or  
31 other distribution incurred by such committee with respect to  
32 a printed slate card or sample ballot, or other printed listing,  
33 of 3 or more candidates for any public office for which an  
34 election is held in the State in which such committee is orga-  
35 nized, except that this clause shall not apply to costs incurred  
36 by such committee with respect to a display of any such list-  
37 ing made on broadcasting stations, or in newspapers, maga-  
38 zines, or similar types of general public political advertising;

39 (v) any payment made or obligation incurred by a corpora-  
40 tion or a labor organization which, under section 1154(a),

1 (e)–(f) of this title, would not constitute an expenditure by  
2 such corporation or labor organization;

3 (vi) any costs incurred by an authorized committee or can-  
4 didate in connection with the solicitation of contributions on  
5 behalf of such candidate, except that this clause shall not  
6 apply with respect to costs incurred by an authorized com-  
7 mittee of a candidate in excess of an amount equal to 20 per-  
8 cent of the expenditure limitation applicable to such candidate  
9 under section 1152(b) of this title, but all such costs shall be  
10 reported in accordance with section 1121(b) of this title;

11 (vii) the payment of compensation for legal or accounting  
12 services—

13 (I) rendered to or on behalf of any political committee  
14 of a political party if the person paying for such services  
15 is the regular employer of the individual rendering such  
16 services, and if such services are not attributable to ac-  
17 tivities which directly further the election of any des-  
18 ignated candidate to Federal office; or

19 (II) rendered to or on behalf of a candidate or political  
20 committee if the person paying for such services is the  
21 regular employer of the individual rendering such serv-  
22 ices, and if such services are solely for the purpose of en-  
23 suring compliance with this chapter or chapter 25 or  
24 chapter 27 of this title,

25 but amounts paid or incurred by the regular employer for  
26 such legal or accounting services shall be reported in accord-  
27 ance with section 1121(b) of this title by the committee re-  
28 ceiving such services;

29 (viii) the payment by a State or local committee of a polit-  
30 ical party of the costs of campaign materials (such as pins,  
31 bumper stickers, handbills, brochures, posters, party tabloids,  
32 and yard signs) used by such committee in connection with  
33 volunteer activities on behalf of nominees of such party inso-  
34 far as—

35 (I) such payments are not for the costs of campaign  
36 materials or activities used in connection with any broad-  
37 casting, newspaper, magazine, billboard, direct mail, or  
38 similar type of general public communication or political  
39 advertising;

1 (II) such payments are made from contributions sub-  
 2 ject to the limitations and prohibitions of this chapter;  
 3 and

4 (III) such payments are not made from contributions  
 5 designated to be spent on behalf of a particular can-  
 6 didate or particular candidates;

7 (ix) the payment by a State or local committee of a polit-  
 8 ical party of the costs of voter registration and get-out-the-  
 9 vote activities conducted by such committee on behalf of  
 10 nominees of such party for President and Vice President, in-  
 11 sofar as—

12 (I) such payments are not for the costs of campaign  
 13 materials or activities used in connection with any broad-  
 14 casting, newspaper, magazine, billboard, direct mail, or  
 15 similar type of general public communication or political  
 16 advertising;

17 (II) such payments are made from contributions sub-  
 18 ject to the limitations and prohibitions of this chapter;  
 19 and

20 (III) such payments are not made from contributions  
 21 designated to be spent on behalf of a particular can-  
 22 didate or candidates; and

23 (x) payments received by a political party committee as a  
 24 condition of ballot access which are transferred to another po-  
 25 litical party committee or the appropriate State official.

26 (10) FEDERAL ELECTION ACTIVITY.—

27 (A) IN GENERAL.—The term “Federal election activity”  
 28 means—

29 (i) voter registration activity during the period that begins  
 30 on the date that is 120 days before the date a regularly  
 31 scheduled Federal election is held and ends on the date of the  
 32 election;

33 (ii) voter identification, get-out-the-vote activity, or generic  
 34 campaign activity conducted in connection with an election in  
 35 which a candidate for Federal office appears on the ballot (re-  
 36 gardless of whether a candidate for State or local office also  
 37 appears on the ballot);

38 (iii) a public communication that refers to a clearly identi-  
 39 fied candidate for Federal office (regardless of whether a can-  
 40 didate for State or local office is also mentioned or identified)  
 41 and that promotes or supports a candidate for that office, or

1 attacks or opposes a candidate for that office (regardless of  
2 whether the communication expressly advocates a vote for or  
3 against a candidate); or

4 (iv) services provided during any month by an employee of  
5 a State, district, or local committee of a political party who  
6 spends more than 25 percent of that individual's compensated  
7 time during that month on activities in connection with a  
8 Federal election.

9 (B) EXCLUDED ACTIVITY.—The term “Federal election activ-  
10 ity” does not include an amount expended or disbursed by a State,  
11 district, or local committee of a political party for—

12 (i) a public communication that refers solely to a clearly  
13 identified candidate for State or local office, if the commu-  
14 nication is not a Federal election activity described in sub-  
15 paragraph (A)(i) or (ii);

16 (ii) a contribution to a candidate for State or local office,  
17 provided the contribution is not designated to pay for a Fed-  
18 eral election activity described in subparagraph (A);

19 (iii) the costs of a State, district, or local political conven-  
20 tion; and

21 (iv) the costs of grassroots campaign materials, including  
22 buttons, bumper stickers, and yard signs, that name or depict  
23 only a candidate for State or local office.

24 (11) FEDERAL OFFICE.—The term “Federal office” means the office  
25 of President or Vice President, or of Senator or Representative in, or  
26 Delegate or Resident Commissioner to, Congress.

27 (12) GENERIC CAMPAIGN ACTIVITY.—The term “generic campaign  
28 activity” means a campaign activity that promotes a political party and  
29 does not promote a candidate or non-Federal candidate.

30 (13) IDENTIFICATION.—The term “identification” means—

31 (A) in the case of any individual, the name, the mailing address,  
32 and the occupation of such individual, as well as the name of his  
33 or her employer; and

34 (B) in the case of any other person, the full name and address  
35 of such person.

36 (14) INDEPENDENT EXPENDITURE.—The term “independent ex-  
37 penditure” means an expenditure by a person—

38 (A) expressly advocating the election or defeat of a clearly iden-  
39 tified candidate; and

40 (B) that is not made in concert or cooperation with or at the  
41 request or suggestion of such candidate, the candidate's authorized

1 political committee, or their agents, or a political party committee  
2 or its agents.

3 (15) MASS MAILING.—The term “mass mailing” means a mailing by  
4 United States mail or facsimile of more than 500 pieces of mail matter  
5 of an identical or substantially similar nature within any 30-day period.

6 (16) NATIONAL COMMITTEE.—The term “national committee”  
7 means the organization which, by virtue of the bylaws of a political  
8 party, is responsible for the day-to-day operation of such political party  
9 at the national level, as determined by the Commission.

10 (17) PERSON.—The term “person” includes an individual, partner-  
11 ship, committee, association, corporation, labor organization, or any  
12 other organization or group of persons, but such term does not include  
13 the Federal Government or any authority of the Federal Government.

14 (18) PERSONAL FUNDS.—The term “personal funds” means an  
15 amount that is derived from—

16 (A) any asset that, under applicable State law, at the time the  
17 individual became a candidate, the candidate had legal right of ac-  
18 cess to or control over, and with respect to which the candidate  
19 had—

20 (i) legal and rightful title; or

21 (ii) an equitable interest;

22 (B) income received during the current election cycle of the can-  
23 didate, including—

24 (i) a salary and other earned income from bona fide em-  
25 ployment;

26 (ii) dividends and proceeds from the sale of the candidate’s  
27 stocks or other investments;

28 (iii) bequests to the candidate;

29 (iv) income from trusts established before the beginning of  
30 the election cycle;

31 (v) income from trusts established by bequest after the be-  
32 ginning of the election cycle of which the candidate is the  
33 beneficiary;

34 (vi) gifts of a personal nature that had been customarily  
35 received by the candidate prior to the beginning of the elec-  
36 tion cycle; and

37 (vii) proceeds from lotteries and similar legal games of  
38 chance; and

39 (C) a portion of assets that are jointly owned by the candidate  
40 and the candidate’s spouse equal to the candidate’s share of the  
41 asset under the instrument of conveyance or ownership, but if no

1           specific share is indicated by an instrument of conveyance or own-  
2           ership, the value of one-half of the property.

3           (19) POLITICAL COMMITTEE.—The term “political committee”  
4           means—

5           (A) any committee, club, association, or other group of persons  
6           which receives contributions aggregating in excess of \$1,000 dur-  
7           ing a calendar year or which makes expenditures aggregating in  
8           excess of \$1,000 during a calendar year;

9           (B) any separate segregated fund established under section  
10          1154(a), (c)–(f) of this title; or

11          (C) any local committee of a political party which receives con-  
12          tributions aggregating in excess of \$5,000 during a calendar year,  
13          or makes payments exempted from the definition of contribution  
14          or expenditure as defined in paragraphs (6) and (9) aggregating  
15          in excess of \$5,000 during a calendar year, or makes contributions  
16          aggregating in excess of \$1,000 during a calendar year or makes  
17          expenditures aggregating in excess of \$1,000 during a calendar  
18          year.

19          (20) POLITICAL PARTY.—The term “political party” means an asso-  
20          ciation, committee, or organization which nominates a candidate for  
21          election to any Federal office whose name appears on the election ballot  
22          as the candidate of such association, committee, or organization.

23          (21) PRINCIPAL CAMPAIGN COMMITTEE.—The term “principal cam-  
24          paign committee” means a political committee designated and author-  
25          ized by a candidate under section 1111(e)(1) of this title.

26          (22) PUBLIC COMMUNICATION.—The term “public communication”  
27          means a communication by means of any broadcast, cable, or satellite  
28          communication, newspaper, magazine, outdoor advertising facility,  
29          mass mailing, or telephone bank to the general public, or any other  
30          form of general public political advertising.

31          (23) STATE.—The term “State” means a State of the United States,  
32          the District of Columbia, Puerto Rico, or a territory or possession of  
33          the United States.

34          (24) STATE COMMITTEE.—The term “State committee” means the  
35          organization which, by virtue of the bylaws of a political party, is re-  
36          sponsible for the day-to-day operation of such political party at the  
37          State level, as determined by the Commission.

38          (25) TELEPHONE BANK.—The term “telephone bank” means more  
39          than 500 telephone calls of an identical or substantially similar nature  
40          within any 30-day period.

## SUBCHAPTER II—POLITICAL COMMITTEES

**§ 1111. Organization**

(a) TREASURER.—Every political committee shall have a treasurer. No contribution or expenditure shall be accepted or made by or on behalf of a political committee during any period in which the office of treasurer is vacant. No expenditure shall be made for or on behalf of a political committee without the authorization of the treasurer or his or her designated agent.

## (b) ACCOUNT OF CONTRIBUTIONS UPON RECEIPT.—

(1) AUTHORIZED POLITICAL COMMITTEE.—Every person who receives a contribution for an authorized political committee shall, no later than 10 days after receiving such contribution, forward to the treasurer such contribution, and if the amount of the contribution is in excess of \$50 the name and address of the person making the contribution and the date of receipt.

(2) NOT AUTHORIZED COMMITTEE.—Every person who receives a contribution for a political committee which is not an authorized committee shall—

(A) if the amount of the contribution is \$50 or less, forward to the treasurer such contribution no later than 30 days after receiving the contribution; and

(B) if the amount of the contribution is in excess of \$50, forward to the treasurer such contribution, the name and address of the person making the contribution, and the date of receipt of the contribution, no later than 10 days after receiving the contribution.

(3) COMMITTEE FUNDS MUST BE SEGREGATED FROM PERSONAL FUNDS.—All funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual.

(c) RECORDKEEPING.—The treasurer of a political committee shall keep an account of—

(1) all contributions received by or on behalf of such political committee;

(2) the name and address of any person who makes any contribution in excess of \$50, together with the date and amount of such contribution by any person;

(3) the identification of any person who makes a contribution or contributions aggregating more than \$200 during a calendar year, together with the date and amount of any such contribution;

1 (4) the identification of any political committee which makes a con-  
2 tribution, together with the date and amount of any such contribution;  
3 and

4 (5) the name and address of every person to whom any disbursement  
5 is made, the date, amount, and purpose of the disbursement, and the  
6 name of the candidate and the office sought by the candidate, if any,  
7 for whom the disbursement was made, including a receipt, invoice, or  
8 canceled check for each disbursement in excess of \$200.

9 (d) PRESERVATION OF RECORDS AND COPIES OF REPORTS.—The treas-  
10 urer shall preserve all records required to be kept by this section and copies  
11 of all reports required to be filed by this chapter (except sections 1137,  
12 1138, 1162, and 1181 to 1185 of this title) for 3 years after the report  
13 is filed. For any report filed in electronic format under section 1121(a)(11)  
14 of this title, the treasurer shall retain a machine-readable copy of the report  
15 as the copy preserved under the preceding sentence.

16 (e) PRINCIPAL AND ADDITIONAL CAMPAIGN COMMITTEES.—

17 (1) DESIGNATION BY CANDIDATE.—Each candidate for Federal of-  
18 fice (other than the nominee for the office of Vice President) shall des-  
19 ignate in writing a political committee in accordance with paragraph  
20 (3) to serve as the principal campaign committee of such candidate.  
21 Such designation shall be made no later than 15 days after becoming  
22 a candidate. A candidate may designate additional political committees  
23 in accordance with paragraph (3) to serve as authorized committees of  
24 such candidate. Such designation shall be in writing and filed with the  
25 principal campaign committee of such candidate in accordance with  
26 subsection (f)(1).

27 (2) CANDIDATE CONSIDERED TO BE AGENT OF COMMITTEE.—Any  
28 candidate described in paragraph (1) who receives a contribution, or  
29 any loan for use in connection with the campaign of such candidate for  
30 election, or makes a disbursement in connection with such campaign,  
31 shall be considered, for purposes of this chapter, as having received the  
32 contribution or loan, or as having made the disbursement, as the case  
33 may be, as an agent of the authorized committee or committees of such  
34 candidate.

35 (3) POLITICAL COMMITTEE SUPPORTING MORE THAN ONE CAN-  
36 DIDATE.—

37 (A) IN GENERAL.—No political committee which supports or  
38 has supported more than one candidate may be designated as an  
39 authorized committee, except that—

40 (i) the candidate for the office of President nominated by  
41 a political party may designate the national committee of

1 such political party as a principal campaign committee, but  
 2 only if that national committee maintains separate books of  
 3 account with respect to its function as a principal campaign  
 4 committee; and

5 (ii) candidates may designate a political committee estab-  
 6 lished solely for the purpose of joint fundraising by such can-  
 7 didates as an authorized committee.

8 (B) CONTRIBUTIONS NOT CONSIDERED AS SUPPORT.—As used  
 9 in subparagraph (A), the term “supports or has supported” does  
 10 not include a contribution by any authorized committee in an  
 11 amount of \$2,000 or less to an authorized committee of any other  
 12 candidate.

13 (4) NAME OF COMMITTEE.—The name of each authorized committee  
 14 shall include the name of the candidate who authorized such committee  
 15 under paragraph (1). In the case of any political committee which is  
 16 not an authorized committee, such political committee shall not include  
 17 the name of any candidate in its name.

18 (5) NAME OF SEPARATE SEGREGATED FUND.—The name of any sep-  
 19 arate segregated fund established pursuant to section 1154(a), (e)–(f)  
 20 of this title shall include the name of its connected organization.

21 (f) FILINGS.—

22 (1) FILINGS BY AUTHORIZED COMMITTEE.—Notwithstanding any  
 23 other provision of this chapter, each designation, statement, or report  
 24 of receipts or disbursements made by an authorized committee of a  
 25 candidate shall be filed with the candidate’s principal campaign com-  
 26 mittee.

27 (2) RECEIPT, COMPILATION, AND FILING BY PRINCIPAL CAMPAIGN  
 28 COMMITTEE.—Each principal campaign committee shall receive all des-  
 29 ignations, statements, and reports required to be filed with it under  
 30 paragraph (1) and shall compile and file such designations, statements,  
 31 and reports in accordance with this chapter.

32 (g) FILINGS WITH SECRETARY OF SENATE.—

33 (1) FILINGS AND RECEIPT.—Designations, statements, and reports  
 34 required to be filed under this chapter by a candidate for the office of  
 35 Senator, by the principal campaign committee of such candidate, and  
 36 by the Republican and Democratic Senatorial Campaign Committees  
 37 shall be filed with the Secretary of the Senate, who shall receive such  
 38 designations, statements, and reports, as custodian for the Commission.

39 (2) FORWARDING COPY TO COMMISSION.—The Secretary of the Sen-  
 40 ate shall forward a copy of any designation, statement, or report filed  
 41 with the Secretary under this subsection to the Commission as soon as

1 possible (but no later than 2 working days) after receiving such des-  
 2 ignation, statement, or report.

3 (3) FILING WITH COMMISSION.—All designations, statements, and  
 4 reports required to be filed under this chapter, except designations,  
 5 statements, and reports filed in accordance with paragraph (1), shall  
 6 be filed with the Commission.

7 (4) PUBLIC INSPECTION.—The Secretary of the Senate shall make  
 8 the designations, statements, and reports received under this subsection  
 9 available for public inspection and copying in the same manner as the  
 10 Commission under section 1136(a)(4) and (b) of this title, and shall  
 11 preserve such designations, statements, and reports in the same man-  
 12 ner as the Commission under section 1136(a)(5) of this title.

13 (h) CAMPAIGN DEPOSITORIES.—

14 (1) DESIGNATION.—Each political committee shall designate one or  
 15 more State banks, federally chartered depository institutions, or deposi-  
 16 tory institutions the deposits or accounts of which are insured by the  
 17 Federal Deposit Insurance Corporation or the National Credit Union  
 18 Administration, as its campaign depository or depositories. Each polit-  
 19 ical committee shall maintain at least one checking account and such  
 20 other accounts as the committee determines at a depository designated  
 21 by such committee. All receipts received by such committee shall be de-  
 22 posited in such accounts. No disbursements may be made (other than  
 23 petty cash disbursements under paragraph (2)) by such committee ex-  
 24 cept by check drawn on such accounts in accordance with this section.

25 (2) PETTY CASH FUND.—A political committee may maintain a petty  
 26 cash fund for disbursements not in excess of \$100 to any person in  
 27 connection with a single purchase or transaction. A record of all petty  
 28 cash disbursements shall be maintained in accordance with subsection  
 29 (e)(5).

30 (i) SHOWING OF BEST EFFORTS TO OBTAIN, MAINTAIN, AND REPORT  
 31 INFORMATION.—When the treasurer of a political committee shows that  
 32 best efforts have been used to obtain, maintain, and submit the information  
 33 required by this chapter for the political committee, any report or any  
 34 records of such committee shall be considered in compliance with this chap-  
 35 ter or chapter 25 or 27 of this title.

### 36 § 1112. Registration

37 (a) STATEMENT OF ORGANIZATION.—Each authorized campaign com-  
 38 mittee shall file a statement of organization no later than 10 days after des-  
 39 ignation pursuant to section 1111(e)(1) of this title. Each separate seg-  
 40 regated fund established under section 1154(a), (c)–(f) of this title shall file  
 41 a statement of organization no later than 10 days after establishment. All

1 other committees shall file a statement of organization within 10 days after  
 2 becoming a political committee within the meaning of section 1101(19) of  
 3 this title.

4 (b) CONTENTS OF STATEMENT.—The statement of organization of a po-  
 5 litical committee shall include—

6 (1) the name, address, and type of committee;

7 (2) the name, address, relationship, and type of any connected orga-  
 8 nization or affiliated committee;

9 (3) the name, address, and position of the custodian of books and  
 10 accounts of the committee;

11 (4) the name and address of the treasurer of the committee;

12 (5) if the committee is authorized by a candidate, the name, address,  
 13 office sought, and party affiliation of the candidate; and

14 (6) a listing of all banks, safety deposit boxes, or other depositories  
 15 used by the committee.

16 (c) CHANGE OF INFORMATION IN STATEMENT.—Any change in informa-  
 17 tion previously submitted in a statement of organization shall be reported  
 18 in accordance with section 1111(g) of this title no later than 10 days after  
 19 the date of the change.

20 (d) TERMINATION.—

21 (1) WRITTEN STATEMENT.—A political committee may terminate  
 22 only when such a committee files a written statement, in accordance  
 23 with section 1111(g) of this title, that it will no longer receive any con-  
 24 tributions or make any disbursements and that such committee has no  
 25 outstanding debts or obligations.

26 (2) LIQUIDATION AND TERMINATION OF INSOLVENT POLITICAL COM-  
 27 MITTEE.—Nothing contained in this subsection may be construed to  
 28 eliminate or limit the authority of the Commission to establish proce-  
 29 dures for—

30 (A) the determination of insolvency with respect to any political  
 31 committee;

32 (B) the orderly liquidation of an insolvent political committee,  
 33 and the orderly application of its assets for the reduction of out-  
 34 standing debts; and

35 (C) the termination of an insolvent political committee after  
 36 such liquidation and application of assets.

### 37 SUBCHAPTER III—REPORTS AND STATEMENTS

#### 38 § 1121. Reporting requirements

39 (a) RECEIPTS AND DISBURSEMENTS BY TREASURERS.—

1 (1) FILING OF SIGNED REPORTS.—Each treasurer of a political com-  
 2 mittee shall file reports of receipts and disbursements in accordance  
 3 with this subsection. The treasurer shall sign each such report.

4 (2) PRINCIPAL CAMPAIGN COMMITTEE OF CANDIDATE FOR HOUSE  
 5 OR SENATE.—If the political committee is the principal campaign com-  
 6 mittee of a candidate for the House of Representatives or for the Sen-  
 7 ate—

8 (A) in any calendar year during which there is a regularly  
 9 scheduled election for which such candidate is seeking election, or  
 10 nomination for election, the treasurer shall file—

11 (i) a pre-election report, which shall be filed no later than  
 12 the 12th day before (or posted by any of the following: reg-  
 13 istered mail, certified mail, priority mail having a delivery  
 14 confirmation, or express mail having a delivery confirmation,  
 15 or delivered to an overnight delivery service with an on-line  
 16 tracking system, if posted or delivered no later than the 15th  
 17 day before) any election in which such candidate is seeking  
 18 election, or nomination for election, and which shall be com-  
 19 plete as of the 20th day before such election;

20 (ii) a post-general election report, which shall be filed no  
 21 later than the 30th day after any general election in which  
 22 such candidate has sought election, and which shall be com-  
 23 plete as of the 20th day after such general election; and

24 (iii) additional quarterly reports, which shall be filed no  
 25 later than the 15th day after the last day of each calendar  
 26 quarter, and which shall be complete as of the last day of  
 27 each calendar quarter: except that the report for the quarter  
 28 ending December 31 shall be filed no later than January 31  
 29 of the following calendar year; and

30 (B) in any other calendar year the treasurer shall file quarterly  
 31 reports, which shall be filed not later than the 15th day after the  
 32 last day of each calendar quarter, and which shall be complete as  
 33 of the last day of each calendar quarter, except that the report  
 34 for the quarter ending December 31 shall be filed not later than  
 35 January 31 of the following calendar year.

36 (3) PRINCIPAL CAMPAIGN COMMITTEE OF CANDIDATE FOR PRESI-  
 37 DENT.—If the committee is the principal campaign committee of a can-  
 38 didate for the office of President—

39 (A) in any calendar year during which a general election is held  
 40 to fill such office—

1 (i) the treasurer shall file monthly reports if such com-  
 2 mittee has on January 1 of such year, received contributions  
 3 aggregating \$100,000 or made expenditures aggregating  
 4 \$100,000 or anticipates receiving contributions aggregating  
 5 \$100,000 or more or making expenditures aggregating  
 6 \$100,000 or more during such year, and such monthly re-  
 7 ports shall be filed no later than the 20th day after the last  
 8 day of each month and shall be complete as of the last day  
 9 of the month, except that, in lieu of filing the report other-  
 10 wise due in November and December, a pre-general election  
 11 report shall be filed in accordance with paragraph (2)(A)(i),  
 12 a post-general election report shall be filed in accordance with  
 13 paragraph (2)(A)(ii), and a year end report shall be filed no  
 14 later than January 31 of the following calendar year;

15 (ii) the treasurer of the other principal campaign commit-  
 16 tees of a candidate for the office of President shall file a pre-  
 17 election report or reports in accordance with paragraph  
 18 (2)(A)(i), a post-general election report in accordance with  
 19 paragraph (2)(A)(ii), and quarterly reports in accordance  
 20 with paragraph (2)(A)(iii); and

21 (iii) if at any time during the election year a committee fil-  
 22 ing under paragraph (3)(A)(ii) receives contributions in ex-  
 23 cess of \$100,000 or makes expenditures in excess of  
 24 \$100,000, the treasurer shall begin filing monthly reports  
 25 under paragraph (3)(A)(i) at the next reporting period; and

26 (B) in any other calendar year, the treasurer shall file either—

27 (i) monthly reports, which shall be filed no later than the  
 28 20th day after the last day of each month and shall be com-  
 29 plete as of the last day of the month; or

30 (ii) quarterly reports, which shall be filed no later than the  
 31 15th day after the last day of each calendar quarter and  
 32 which shall be complete as of the last day of each calendar  
 33 quarter.

34 (4) POLITICAL COMMITTEES OTHER THAN AUTHORIZED COMMIT-  
 35 TEES.—All political committees other than authorized committees of a  
 36 candidate shall file either—

37 (A)(i) quarterly reports, in a calendar year in which a regularly  
 38 scheduled general election is held, which shall be filed no later  
 39 than the 15th day after the last day of each calendar quarter, ex-  
 40 cept that the report for the quarter ending on December 31 of

1 such calendar year shall be filed no later than January 31 of the  
2 following calendar year;

3 (ii) a pre-election report, which shall be filed no later than the  
4 12th day before (or posted by any of the following: registered mail,  
5 certified mail, priority mail having a delivery confirmation, or ex-  
6 press mail having a delivery confirmation, or delivered to an over-  
7 night delivery service with an on-line tracking system, if posted or  
8 delivered no later than the 15th day before) any election in which  
9 the committee makes a contribution to or expenditure on behalf  
10 of a candidate in such election, and which shall be complete as of  
11 the 20th day before the election;

12 (iii) a post-general election report, which shall be filed no later  
13 than the 30th day after the general election and which shall be  
14 complete as of the 20th day after such general election; and

15 (iv) in any other calendar year, a report covering the period be-  
16 ginning January 1 and ending June 30, which shall be filed no  
17 later than July 31 and a report covering the period beginning July  
18 1 and ending December 31, which shall be filed no later than Jan-  
19 uary 31 of the following calendar year; or

20 (B) monthly reports in all calendar years which shall be filed  
21 no later than the 20th day after the last day of the month and  
22 shall be complete as of the last day of the month, except that, in  
23 lieu of filing the reports otherwise due in November and December  
24 of any year in which a regularly scheduled general election is held,  
25 a pre-general election report shall be filed in accordance with para-  
26 graph (2)(A)(i), a post-general election report shall be filed in ac-  
27 cordance with paragraph (2)(A)(ii), and a year end report shall be  
28 filed no later than January 31 of the following calendar year.

29 Notwithstanding the preceding sentence, a national committee of a po-  
30 litical party shall file the reports required under subparagraph (B).

31 (5) DATE OF FILING.—If a designation, report, or statement filed  
32 pursuant to this chapter (other than under paragraph (2)(A)(i) or  
33 (4)(A)(ii) or subsection (g)(1)) is sent by registered mail, certified mail,  
34 priority mail having a delivery confirmation, or express mail having a  
35 delivery confirmation, the United States postmark shall be considered  
36 the date of filing the designation, report or statement. If a designation,  
37 report or statement filed pursuant to this chapter (other than under  
38 paragraph (2)(A)(i) or (4)(A)(ii), or subsection (g)(1)) is sent by an  
39 overnight delivery service with an on-line tracking system, the date on  
40 the proof of delivery to the delivery service shall be considered the date  
41 of filing of the designation, report, or statement.

1 (6) NOTIFICATION.—

2 (A) NOTIFICATION OF CERTAIN CONTRIBUTIONS.—The prin-  
 3 cipal campaign committee of a candidate shall notify the Secretary  
 4 of the Senate or the Commission, and the Secretary of State, as  
 5 appropriate, in writing, of any contribution of \$1,000 or more re-  
 6 ceived by any authorized committee of such candidate after the  
 7 20th day, but more than 48 hours before, any election. This notifi-  
 8 cation shall be made within 48 hours after the receipt of such con-  
 9 tribution and shall include the name of the candidate and the of-  
 10 fice sought by the candidate, the identification of the contributor,  
 11 and the date of receipt and amount of the contribution.

12 (B) NOTIFICATION OF EXPENDITURE FROM PERSONAL FUNDS  
 13 REQUIRED FOR CANDIDATES FOR OFFICE OF SENATOR.—

14 (i) DEFINITION OF EXPENDITURE FROM PERSONAL  
 15 FUNDS.—In this subparagraph, the term “expenditure from  
 16 personal funds” means—

17 (I) an expenditure made by a candidate using personal  
 18 funds; and

19 (II) a contribution or loan made by a candidate using  
 20 personal funds or a loan secured using such funds to the  
 21 candidate’s authorized committee.

22 (ii) DECLARATION OF INTENT.—Not later than the date  
 23 that is 15 days after the date on which an individual becomes  
 24 a candidate for the office of Senator, the candidate shall file  
 25 a declaration stating the total amount of expenditures from  
 26 personal funds that the candidate intends to make, or to obli-  
 27 gate to make, with respect to the election that will exceed the  
 28 State-by-State competitive and fair campaign formula with—

29 (I) the Commission; and

30 (II) each candidate in the same election.

31 (iii) INITIAL NOTIFICATION.—Not later than 24 hours after  
 32 a candidate described in clause (ii) makes or obligates to  
 33 make an aggregate amount of expenditures from personal  
 34 funds in excess of 2 times the threshold amount in connection  
 35 with any election, the candidate shall file a notification  
 36 with—

37 (I) the Commission; and

38 (II) each candidate in the same election.

39 (iv) ADDITIONAL NOTIFICATION.—After a candidate files  
 40 an initial notification under clause (iii), the candidate shall  
 41 file an additional notification each time expenditures from

1 personal funds are made or obligated to be made in an aggregate amount that exceeds \$10,000 with—

2 (I) the Commission; and

3 (II) each candidate in the same election.

4 Such notification shall be filed not later than 24 hours after  
5 the expenditure is made.

6 (v) CONTENTS.—A notification under clause (iii) or (iv)  
7 shall include—

8 (I) the name of the candidate and the office sought by  
9 the candidate;

10 (II) the date and amount of each expenditure; and

11 (III) the total amount of expenditures from personal  
12 funds that the candidate has made, or obligated to make,  
13 with respect to an election as of the date of the expenditure that is the subject of the notification.  
14

15 (C) NOTIFICATION OF DISPOSAL OF EXCESS CONTRIBUTIONS.—

16 In the next regularly scheduled report after the date of the election for which a candidate seeks nomination for election to, or election to, Federal office, the candidate or the candidate's authorized committee shall submit to the Commission a report indicating the source and amount of any excess contributions (as determined under paragraph (1) of section 1152(i) of this title) and the manner in which the candidate or the candidate's authorized committee used such funds.  
17  
18  
19  
20  
21  
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24

25 (D) ENFORCEMENT.—For provisions providing for the enforcement of the reporting requirements under this paragraph, see section 1134 of this title.  
26  
27

28 (E) NOTIFICATION REQUIREMENT IS ADDITIONAL.—The notification required under this paragraph shall be in addition to all other reporting requirements under this chapter.  
29  
30

31 (7) REPORTS TO BE CUMULATIVE DURING CALENDAR YEAR.—The reports required to be filed by this subsection shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward.  
32  
33  
34  
35

36 (8) WAIVER OF QUARTERLY REPORT.—The requirement for a political committee to file a quarterly report under paragraph (2)(A)(iii) or paragraph (4)(A)(i) shall be waived if such committee is required to file a pre-election report under paragraph (2)(A)(i), or paragraph (4)(A)(ii) during the period beginning on the fifth day after the close  
37  
38  
39  
40

1 of the calendar quarter and ending on the 15th day after the close of  
2 the calendar quarter.

3 (9) SPECIAL ELECTIONS.—The Commission shall set filing dates for  
4 reports to be filed by principal campaign committees of candidates  
5 seeking election, or nomination for election, in special elections and po-  
6 litical committees filing under paragraph (4)(A) which make contribu-  
7 tions to or expenditures on behalf of a candidate or candidates in spe-  
8 cial elections. The Commission shall require no more than one pre-elec-  
9 tion report for each election and one post-election report for the elec-  
10 tion which fills the vacancy. The Commission may waive any reporting  
11 obligation of committees required to file for special elections if any re-  
12 port required by paragraph (2) or (4) is required to be filed within 10  
13 days of a report required under this subsection. The Commission shall  
14 establish the reporting dates within 5 days of the setting of such elec-  
15 tion and shall publish such dates and notify the principal campaign  
16 committees of all candidates in such election of the reporting dates.

17 (10) CANDIDATE FOR OFFICE OF VICE PRESIDENT.—The treasurer  
18 of a committee supporting a candidate for the office of Vice President  
19 (other than the nominee of a political party) shall file reports in ac-  
20 cordance with paragraph (3).

21 (11) ELECTRONIC FORM FOR REPORTS AND PUBLIC ACCESS.—

22 (A) DEFINITION OF REPORT.—In this paragraph, the term “re-  
23 port” means, with respect to the Commission, a report, designa-  
24 tion, or statement required by this chapter to be filed with the  
25 Commission.

26 (B) REGULATION REGARDING REPORTS IN ELECTRONIC  
27 FORM.—The Commission shall promulgate a regulation under  
28 which a person required to file a designation, statement, or report  
29 under this chapter—

30 (i) is required to maintain and file a designation, state-  
31 ment, or report for any calendar year in electronic form ac-  
32 cessible by computers if the person has, or has reason to ex-  
33 pect to have, aggregate contributions or expenditures in ex-  
34 cess of a threshold amount determined by the Commission;  
35 and

36 (ii) may maintain and file a designation, statement, or re-  
37 port in electronic form or an alternative form if not required  
38 to do so under the regulation promulgated under clause (i).

39 (C) PUBLIC INSPECTION.—The Commission shall make a des-  
40 ignation, statement, report, or notification that is filed with the  
41 Commission under this chapter available for inspection by the pub-

1           lic in the offices of the Commission and accessible to the public  
2           on the internet not later than 48 hours (or not later than 24 hours  
3           in the case of a designation, statement, report, or notification filed  
4           electronically) after receipt by the Commission.

5           (D) ALTERNATIVE TO SIGNATURE REQUIREMENT FOR  
6           VERIFYING ELECTRONIC DOCUMENTS.—In promulgating a regula-  
7           tion under this paragraph, the Commission shall provide methods  
8           (other than requiring a signature on the document being filed) for  
9           verifying designations, statements, and reports covered by the reg-  
10          ulation. Any document verified under any of the methods shall be  
11          treated for all purposes (including penalties for perjury) in the  
12          same manner as a document verified by signature.

13       (12) SOFTWARE FOR FILING OF REPORTS.—

14           (A) IN GENERAL.—The Commission shall—

15               (i) promulgate standards to be used by vendors to develop  
16               software that—

17                   (I) permits candidates to easily record information  
18                   concerning receipts and disbursements required to be re-  
19                   ported under this chapter at the time of the receipt or  
20                   disbursement;

21                   (II) allows the information recorded under subclause  
22                   (I) to be transmitted immediately to the Commission;  
23                   and

24                   (III) allows the Commission to post the information on  
25                   the internet immediately upon receipt; and

26               (ii) make a copy of software that meets the standards pro-  
27               mulgated under clause (i) available to each person required  
28               to file a designation, statement, or report in electronic form  
29               under this chapter.

30           (B) ADDITIONAL INFORMATION.—To the extent feasible, the  
31           Commission shall require vendors to include in the software devel-  
32           oped under the standards under subparagraph (A) the ability for  
33           any person to file any designation, statement, or report required  
34           under this chapter in electronic form.

35           (C) REQUIRED USE.—Notwithstanding any provision of this  
36           chapter relating to times for filing reports, each candidate for  
37           Federal office (or that candidate's authorized committee) shall use  
38           software that meets the standards promulgated under this para-  
39           graph once such software is made available to such candidate.

1 (D) REQUIRED POSTING.—The Commission shall, as soon as  
2 practicable, post on the internet any information received under  
3 this paragraph.

4 (b) CONTENTS OF REPORTS.—Each report under this section shall dis-  
5 close—

6 (1) the amount of cash on hand at the beginning of the reporting  
7 period;

8 (2) for the reporting period and the calendar year (or election cycle,  
9 in the case of an authorized committee of a candidate for Federal of-  
10 fice), the total amount of all receipts, and the total amount of all re-  
11 cepts in the following categories:

12 (A) contributions from persons other than political committees;

13 (B) for an authorized committee, contributions from the can-  
14 didate;

15 (C) contributions from political party committees;

16 (D) contributions from other political committees;

17 (E) for an authorized committee, transfers from other author-  
18 ized committees of the same candidate;

19 (F) transfers from affiliated committees and, where the report-  
20 ing committee is a political party committee, transfers from other  
21 political party committees, regardless of whether such committees  
22 are affiliated;

23 (G) for an authorized committee, loans made by or guaranteed  
24 by the candidate;

25 (H) all other loans;

26 (I) rebates, refunds, and other offsets to operating expenditures;

27 (J) dividends, interest, and other forms of receipts; and

28 (K) for an authorized committee of a candidate for the office  
29 of President, Federal funds received under chapter 25 and chapter  
30 27 of this title;

31 (3) the identification of each—

32 (A) a person (other than a political committee) who makes a con-  
33 tribution to the reporting committee during the reporting period,  
34 whose contribution or contributions have an aggregate amount or  
35 value in excess of \$200 within the calendar year (or election cycle,  
36 in the case of an authorized committee of a candidate for Federal  
37 office), or in any lesser amount if the reporting committee should  
38 so elect, together with the date and amount of any such contribu-  
39 tion;

1 (B) political committee which makes a contribution to the re-  
 2 porting committee during the reporting period, together with the  
 3 date and amount of any such contribution;

4 (C) authorized committee which makes a transfer to the report-  
 5 ing committee;

6 (D) affiliated committee which makes a transfer to the report-  
 7 ing committee during the reporting period and, where the report-  
 8 ing committee is a political party committee, each transfer of  
 9 funds to the reporting committee from another political party com-  
 10 mittee, regardless of whether such committees are affiliated, to-  
 11 gether with the date and amount of such transfer;

12 (E) person who makes a loan to the reporting committee during  
 13 the reporting period, together with the identification of any en-  
 14 dorser or guarantor of such loan, and the date and amount or  
 15 value of such loan;

16 (F) person who provides a rebate, refund, or other offset to op-  
 17 erating expenditures to the reporting committee in an aggregate  
 18 amount or value in excess of \$200 within the calendar year (or  
 19 election cycle, in the case of an authorized committee of a can-  
 20 didate for Federal office), together with the date and amount of  
 21 such receipt; and

22 (G) person who provides any dividend, interest, or other receipt  
 23 to the reporting committee in an aggregate value or amount in ex-  
 24 cess of \$200 within the calendar year (or election cycle, in the case  
 25 of an authorized committee of a candidate for Federal office), to-  
 26 gether with the date and amount of any such receipt;

27 (4) for the reporting period and the calendar year (or election cycle,  
 28 in the case of an authorized committee of a candidate for Federal of-  
 29 fice), the total amount of all disbursements, and all disbursements in  
 30 the following categories:

31 (A) expenditures made to meet candidate or committee oper-  
 32 ating expenses;

33 (B) for authorized committees, transfers to other committees  
 34 authorized by the same candidate;

35 (C) transfers to affiliated committees and, where the reporting  
 36 committee is a political party committee, transfers to other polit-  
 37 ical party committees, regardless of whether they are affiliated;

38 (D) for an authorized committee, repayment of loans made by  
 39 or guaranteed by the candidate;

40 (E) repayment of all other loans;

41 (F) contribution refunds and other offsets to contributions;

- 1 (G) for an authorized committee, any other disbursements;  
2 (H) for any political committee other than an authorized com-  
3 mittee—
- 4 (i) contributions made to other political committees;
  - 5 (ii) loans made by the reporting committees;
  - 6 (iii) independent expenditures;
  - 7 (iv) expenditures made under section 1152(d) of this title;
  - 8 and
  - 9 (v) any other disbursements; and
- 10 (I) for an authorized committee of a candidate for the office of  
11 President, disbursements not subject to the limitation of section  
12 1152(b) of this title;
- 13 (5) the name and address of each—
- 14 (A) person to whom an expenditure in an aggregate amount or  
15 value in excess of \$200 within the calendar year is made by the  
16 reporting committee to meet a candidate or committee operating  
17 expense, together with the date, amount, and purpose of such op-  
18 erating expenditure;
  - 19 (B) authorized committee to which a transfer is made by the  
20 reporting committee;
  - 21 (C) affiliated committee to which a transfer is made by the re-  
22 porting committee during the reporting period and, where the re-  
23 porting committee is a political party committee, each transfer of  
24 funds by the reporting committee to another political party com-  
25 mittee, regardless of whether such committees are affiliated, to-  
26 gether with the date and amount of such transfers;
  - 27 (D) person who receives a loan repayment from the reporting  
28 committee during the reporting period, together with the date and  
29 amount of such loan repayment; and
  - 30 (E) person who receives a contribution refund or other offset to  
31 contributions from the reporting committee where such contribu-  
32 tion was reported under paragraph (3)(A) of this subsection, to-  
33 gether with the date and amount of such disbursement;
- 34 (6)(A) for an authorized committee, the name and address of each  
35 person who has received any disbursement not disclosed under para-  
36 graph (5) in an aggregate amount or value in excess of \$200 within  
37 the calendar year (or election cycle, in the case of an authorized com-  
38 mittee of a candidate for Federal office), together with the date and  
39 amount of any such disbursement;
- 40 (B) for any other political committee, the name and address of  
41 each—

1 (i) political committee which has received a contribution from  
2 the reporting committee during the reporting period, together with  
3 the date and amount of any such contribution;

4 (ii) person who has received a loan from the reporting com-  
5 mittee during the reporting period, together with the date and  
6 amount of such loan;

7 (iii) person who receives any disbursement during the reporting  
8 period in an aggregate amount or value in excess of \$200 within  
9 the calendar year (or election cycle, in the case of an authorized  
10 committee of a candidate for Federal office), in connection with  
11 an independent expenditure by the reporting committee, together  
12 with the date, amount, and purpose of any such independent ex-  
13 penditure and a statement which indicates whether such inde-  
14 pendent expenditure is in support of, or in opposition to, a can-  
15 didate, as well as the name and office sought by such candidate,  
16 and a certification, under penalty of perjury, whether such inde-  
17 pendent expenditure is made in cooperation, consultation, or con-  
18 cert, with, or at the request or suggestion of, any candidate or any  
19 authorized committee or agent of such committee;

20 (iv) person who receives any expenditure from the reporting  
21 committee during the reporting period in connection with an ex-  
22 penditure under section 1152(d) of this title, together with the  
23 date, amount, and purpose of any such expenditure as well as the  
24 name of, and office sought by, the candidate on whose behalf the  
25 expenditure is made; and

26 (v) person who has received any disbursement not otherwise dis-  
27 closed in this paragraph or paragraph (5) in an aggregate amount  
28 or value in excess of \$200 within the calendar year (or election  
29 cycle, in the case of an authorized committee of a candidate for  
30 Federal office), from the reporting committee within the reporting  
31 period, together with the date, amount, and purpose of any such  
32 disbursement;

33 (7) the total sum of all contributions to such political committee, to-  
34 gether with the total contributions less offsets to contributions and the  
35 total sum of all operating expenditures made by such political com-  
36 mittee, together with total operating expenditures less offsets to oper-  
37 ating expenditures, for both the reporting period and the calendar year  
38 (or election cycle, in the case of an authorized committee of a candidate  
39 for Federal office); and

40 (8) the amount and nature of outstanding debts and obligations  
41 owed by or to such political committee; and where such debts and obli-

1 gations are settled for less than their reported amount or value, a  
 2 statement as to the circumstances and conditions under which such  
 3 debts or obligations were extinguished and the consideration therefor.

4 (e) STATEMENTS BY OTHER THAN POLITICAL COMMITTEES.—

5 (1) INDEPENDENT EXPENDITURES.—Every person (other than a po-  
 6 litical committee) who makes independent expenditures in an aggregate  
 7 amount or value in excess of \$250 during a calendar year shall file a  
 8 statement containing the information required under subsection  
 9 (b)(3)(A) for all contributions received by such person.

10 (2) CONTENTS.—Statements required to be filed by this subsection  
 11 shall be filed in accordance with subsection (a)(2), and shall include—

12 (A) the information required by subsection (b)(6)(B)(iii), indi-  
 13 cating whether the independent expenditure is in support of, or in  
 14 opposition to, the candidate involved;

15 (B) under penalty of perjury, a certification whether or not such  
 16 independent expenditure is made in cooperation, consultation, or  
 17 concert, with, or at the request or suggestion of, any candidate or  
 18 any authorized committee or agent of such candidate; and

19 (C) the identification of each person who made a contribution  
 20 in excess of \$200 to the person filing such statement which was  
 21 made for the purpose of furthering an independent expenditure.

22 (3) INDICES OF INDEPENDENT EXPENDITURES.—The Commission  
 23 shall be responsible for expeditiously preparing indices which set forth,  
 24 on a candidate-by-candidate basis, all independent expenditures sepa-  
 25 rately, including those reported under subsection (b)(6)(B)(iii), made  
 26 by or for each candidate, as reported under this subsection, and for pe-  
 27 riodically publishing such indices on a timely pre-election basis.

28 (d) FILING BY FACSIMILE DEVICE OR ELECTRONIC MAIL.—

29 (1) AUTHORITY TO FILE BY FACSIMILE OR ELECTRONIC MAIL.—Any  
 30 person who is required to file a statement under subsection (c) or (g),  
 31 except statements required to be filed electronically pursuant to sub-  
 32 section (a)(11)(B)(i), may file the statement by facsimile device or elec-  
 33 tronic mail, in accordance with such regulations as the Commission  
 34 may promulgate.

35 (2) PUBLIC ACCESS.—The Commission shall make a document which  
 36 is filed electronically with the Commission pursuant to this paragraph  
 37 accessible to the public on the internet not later than 24 hours after  
 38 the document is received by the Commission.

39 (3) ALTERNATIVE TO SIGNATURE REQUIREMENT FOR VERIFYING  
 40 ELECTRONIC DOCUMENTS.—In promulgating a regulation under this  
 41 paragraph, the Commission shall provide methods (other than requiring

1 a signature on the document being filed) for verifying the documents  
 2 covered by the regulation. Any document verified under any of the  
 3 methods shall be treated for all purposes (including penalties for per-  
 4 jury) in the same manner as a document verified by signature.

5 (e) POLITICAL COMMITTEES.—

6 (1) NATIONAL AND CONGRESSIONAL POLITICAL COMMITTEES.—The  
 7 national committee of a political party, any national congressional cam-  
 8 paign committee of a political party, and any subordinate committee  
 9 of either, shall report all receipts and disbursements during the report-  
 10 ing period.

11 (2) OTHER POLITICAL COMMITTEES.—

12 (A) IN GENERAL.—In addition to any other reporting require-  
 13 ments applicable under this chapter, a political committee (not de-  
 14 scribed in paragraph (1)) to which section 1160(b)(1) of this title  
 15 applies shall report all receipts and disbursements made for activi-  
 16 ties described in section 1101(10)(A) of this title, unless the ag-  
 17 gregate amount of such receipts and disbursements during the cal-  
 18 endar year is less than \$5,000.

19 (B) SPECIFIC DISCLOSURE BY STATE AND LOCAL PARTIES OF  
 20 CERTAIN NON-FEDERAL AMOUNTS PERMITTED TO BE SPENT ON  
 21 FEDERAL ELECTION ACTIVITY.—Each report by a political com-  
 22 mittee under subparagraph (A) of receipts and disbursements  
 23 made for activities described in section 1101(10)(A) of this title  
 24 shall include a disclosure of all receipts and disbursements de-  
 25 scribed in section 1160(b)(2)(A) and (B) of this title.

26 (3) ITEMIZATION.—If a political committee has receipts or disburse-  
 27 ments to which this subsection applies from or to any person aggre-  
 28 gating in excess of \$200 for any calendar year, the political committee  
 29 shall separately itemize its reporting for such person in the same man-  
 30 ner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

31 (4) REPORTING PERIODS.—Reports required to be filed under this  
 32 subsection shall be filed for the same time periods required for political  
 33 committees under subsection (a)(4)(B).

34 (f) DISCLOSURE OF ELECTIONEERING COMMUNICATIONS.—

35 (1) DEFINITION OF DISCLOSURE DATE.—In this subsection, the term  
 36 “disclosure date” means—

37 (A) the first date during any calendar year by which a person  
 38 has made disbursements for the direct costs of producing or airing  
 39 electioneering communications aggregating in excess of \$10,000;  
 40 and

1 (B) any other date during such calendar year by which a person  
 2 has made disbursements for the direct costs of producing or airing  
 3 electioneering communications aggregating in excess of \$10,000  
 4 since the most recent disclosure date for such calendar year.

5 (2) DEFINITION OF ELECTIONEERING COMMUNICATION.—In this  
 6 subsection—

7 (A) IN GENERAL.—

8 (i) The term “electioneering communication” means any  
 9 broadcast, cable, or satellite communication which—

10 (I) refers to a clearly identified candidate for Federal  
 11 office;

12 (II) is made within—

13 (aa) 60 days before a general, special, or runoff  
 14 election for the office sought by the candidate; or

15 (bb) 30 days before a primary or preference elec-  
 16 tion, or a convention or caucus of a political party  
 17 that has authority to nominate a candidate, for the  
 18 office sought by the candidate; and

19 (III) in the case of a communication which refers to  
 20 a candidate for an office other than President or Vice  
 21 President, is targeted to the relevant electorate.

22 (ii) If clause (i) is held to be constitutionally insufficient  
 23 by final judicial decision to support the regulation provided  
 24 herein, then the term “electioneering communication” means  
 25 any broadcast, cable, or satellite communication which pro-  
 26 motes or supports a candidate for that office, or attacks or  
 27 opposes a candidate for that office (regardless of whether the  
 28 communication expressly advocates a vote for or against a  
 29 candidate) and which also is suggestive of no plausible mean-  
 30 ing other than an exhortation to vote for or against a specific  
 31 candidate.

32 (iii) Nothing in this subparagraph shall be construed to af-  
 33 fect the interpretation or application of section 100.22(b) of  
 34 title 11, Code of Federal Regulations.

35 (B) EXCEPTIONS.—The term “electioneering communication”  
 36 does not include—

37 (i) a communication appearing in a news story, com-  
 38 mentary, or editorial distributed through the facilities of any  
 39 broadcasting station, unless such facilities are owned or con-  
 40 trolled by any political party, political committee, or can-  
 41 didate;

1 (ii) a communication which constitutes an expenditure or  
2 an independent expenditure under this chapter;

3 (iii) a communication which constitutes a candidate debate  
4 or forum conducted pursuant to regulations adopted by the  
5 Commission, or which solely promotes such a debate or forum  
6 and is made by or on behalf of the person sponsoring the de-  
7 bate or forum; or

8 (iv) any other communication exempted under such regula-  
9 tions as the Commission may promulgate (consistent with the  
10 requirements of this paragraph) to ensure the appropriate im-  
11 plementation of this paragraph, except that under any such  
12 regulation a communication may not be exempted if it meets  
13 the requirements of this paragraph and is described in section  
14 1101(10)(A)(iii) of this title.

15 (C) TARGETING TO RELEVANT ELECTORATE.—For purposes of  
16 this paragraph, a communication which refers to a clearly identi-  
17 fied candidate for Federal office is “targeted to the relevant elec-  
18 torate” if the communication can be received by 50,000 or more  
19 persons—

20 (i) in the district the candidate seeks to represent, in the  
21 case of a candidate for Representative in, or Delegate or  
22 Resident Commissioner to, Congress; or

23 (ii) in the State the candidate seeks to represent, in the  
24 case of a candidate for Senator.

25 (3) STATEMENT REQUIRED.—Every person who makes a disburse-  
26 ment for the direct costs of producing and airing electioneering commu-  
27 nications in an aggregate amount in excess of \$10,000 during any cal-  
28 endar year shall, within 24 hours of each disclosure date, file with the  
29 Commission a statement containing the information described in para-  
30 graph (4).

31 (4) CONTENTS OF STATEMENT.—Each statement required to be filed  
32 under this subsection shall be made under penalty of perjury and shall  
33 contain the following information:

34 (A) The identification of the person making the disbursement,  
35 of any person sharing or exercising direction or control over the  
36 activities of such person, and of the custodian of the books and  
37 accounts of the person making the disbursement.

38 (B) The principal place of business of the person making the  
39 disbursement, if not an individual.

1 (C) The amount of each disbursement of more than \$200 dur-  
 2 ing the period covered by the statement and the identification of  
 3 the person to whom the disbursement was made.

4 (D) The elections to which the electioneering communications  
 5 pertain and the names (if known) of the candidates identified or  
 6 to be identified.

7 (E) If the disbursements were paid out of a segregated bank ac-  
 8 count which consists of funds contributed solely by individuals who  
 9 are United States citizens or nationals or lawfully admitted for  
 10 permanent residence (as defined in section 101(a)(20) of the Im-  
 11 migration and Nationality Act (8 U.S.C. 1101(a)(20))) directly to  
 12 this account for electioneering communications, the names and ad-  
 13 dresses of all contributors who contributed an aggregate amount  
 14 of \$1,000 or more to that account during the period beginning on  
 15 the first day of the preceding calendar year and ending on the dis-  
 16 closure date. Nothing in this subparagraph is to be construed as  
 17 a prohibition on the use of funds in such a segregated account for  
 18 a purpose other than electioneering communications.

19 (F) If the disbursements were paid out of funds not described  
 20 in subparagraph (E), the names and addresses of all contributors  
 21 who contributed an aggregate amount of \$1,000 or more to the  
 22 person making the disbursement during the period beginning on  
 23 the first day of the preceding calendar year and ending on the dis-  
 24 closure date.

25 (5) CONTRACTS TO DISBURSE.—For purposes of this subsection, a  
 26 person shall be treated as having made a disbursement if the person  
 27 has executed a contract to make the disbursement.

28 (6) COORDINATION WITH OTHER REQUIREMENTS.—Any requirement  
 29 to report under this subsection shall be in addition to any other report-  
 30 ing requirement under this chapter.

31 (7) COORDINATION WITH CHAPTERS 25 AND 27 OF TITLE 52 AND  
 32 THE INTERNAL REVENUE CODE OF 1986.—Nothing in this subsection  
 33 may be construed to establish, modify, or otherwise affect the definition  
 34 of political activities or electioneering activities (including the definition  
 35 of participating in, intervening in, or influencing or attempting to influ-  
 36 ence a political campaign on behalf of or in opposition to any candidate  
 37 for public office) for purposes of chapters 25 and 27 of this title and  
 38 the Internal Revenue Code of 1986.

39 (g) TIME FOR REPORTING CERTAIN EXPENDITURES.—

40 (1) EXPENDITURES AGGREGATING \$1,000.—

1 (A) INITIAL REPORT.—A person (including a political com-  
 2 mittee) that makes or contracts to make independent expenditures  
 3 aggregating \$1,000 or more after the 20th day, but more than 24  
 4 hours, before the date of an election shall file a report describing  
 5 the expenditures within 24 hours.

6 (B) ADDITIONAL REPORTS.—After a person files a report under  
 7 subparagraph (A), the person shall file an additional report within  
 8 24 hours after each time the person makes or contracts to make  
 9 independent expenditures aggregating an additional \$1,000 with  
 10 respect to the same election as that to which the initial report re-  
 11 lates.

12 (2) EXPENDITURES AGGREGATING \$10,000.—

13 (A) INITIAL REPORT.—A person (including a political com-  
 14 mittee) that makes or contracts to make independent expenditures  
 15 aggregating \$10,000 or more at any time up to and including the  
 16 20th day before the date of an election shall file a report describ-  
 17 ing the expenditures within 48 hours.

18 (B) ADDITIONAL REPORTS.—After a person files a report under  
 19 subparagraph (A), the person shall file an additional report within  
 20 48 hours after each time the person makes or contracts to make  
 21 independent expenditures aggregating an additional \$10,000 with  
 22 respect to the same election as that to which the initial report re-  
 23 lates.

24 (3) PLACE OF FILING AND CONTENTS.—A report under this sub-  
 25 section—

26 (A) shall be filed with the Commission; and

27 (B) shall contain the information required by subsection  
 28 (b)(6)(B)(iii), including the name of each candidate whom an ex-  
 29 penditure is intended to support or oppose.

30 (4) TIME OF FILING FOR EXPENDITURES AGGREGATING \$1,000.—

31 Notwithstanding subsection (a)(5), the time at which the statement  
 32 under paragraph (1) is received by the Commission or any other recipi-  
 33 ent to whom the notification is required to be sent shall be considered  
 34 the time of filing of the statement with the recipient.

35 (h) REPORTS FROM INAUGURAL COMMITTEES.—The Federal Election  
 36 Commission shall make any report filed by an Inaugural Committee under  
 37 section 510 of title 36 accessible to the public at the offices of the Commis-  
 38 sion and on the internet not later than 48 hours after the report is received  
 39 by the Commission.

40 (i) DISCLOSURE OF BUNDLED CONTRIBUTIONS.—

41 (1) DEFINITIONS.—In this subsection:

1 (A) BUNDLED CONTRIBUTION.—The term “bundled contribu-  
2 tion” means, with respect to a committee described in paragraph  
3 (7) and a person described in paragraph (8), a contribution (sub-  
4 ject to the applicable threshold) which is—

5 (i) forwarded from the contributor or contributors to the  
6 committee by the person; or

7 (ii) received by the committee from a contributor or con-  
8 tributors, but credited by the committee or candidate involved  
9 (or, in the case of a leadership PAC, by the individual re-  
10 ferred to in subparagraph (B) involved) to the person through  
11 records, designations, or other means of recognizing that a  
12 certain amount of money has been raised by the person.

13 (B) LEADERSHIP PAC.—The term “leadership PAC” means,  
14 with respect to a candidate for election to Federal office or an in-  
15 dividual holding Federal office, a political committee that is di-  
16 rectly or indirectly established, financed, maintained or controlled  
17 by the candidate or the individual but which is not an authorized  
18 committee of the candidate or individual and which is not affili-  
19 ated with an authorized committee of the candidate or individual,  
20 except that such term does not include a political committee of a  
21 political party.

22 (2) REQUIRED DISCLOSURE.—Each committee described in para-  
23 graph (7) shall include in the first report required to be filed under  
24 this section after each covered period (as defined in paragraph (3)) a  
25 separate schedule setting forth the name, address, and employer of  
26 each person reasonably known by the committee to be a person de-  
27 scribed in paragraph (8) who provided 2 or more bundled contributions  
28 to the committee in an aggregate amount greater than the applicable  
29 threshold (as defined in paragraph (4)) during the covered period, and  
30 the aggregate amount of the bundled contributions provided by each  
31 such person during the covered period.

32 (3) COVERED PERIOD.—In this subsection, a “covered period”  
33 means, with respect to a committee—

34 (A) the period beginning January 1 and ending June 30 of each  
35 year;

36 (B) the period beginning July 1 and ending December 31 of  
37 each year; and

38 (C) any reporting period applicable to the committee under this  
39 section during which any person described in paragraph (8) pro-  
40 vided 2 or more bundled contributions to the committee in an ag-  
41 gregate amount greater than the applicable threshold.

## (4) APPLICABLE THRESHOLD.—

(A) IN GENERAL.—In this subsection, the “applicable threshold” is \$15,000, except that in determining whether the amount of bundled contributions provided to a committee by a person described in paragraph (8) exceeds the applicable threshold, there shall be excluded any contribution made to the committee by the person or the person’s spouse.

(B) INDEXING.—In any calendar year after 2007, section 1152(c)(2)(B) of this title shall apply to the amount applicable under subparagraph (A) in the same manner as such section applies to the limitations established under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, except that for purposes of applying such section to the amount applicable under subparagraph (A), the “base period” shall be 2006.

## (5) PUBLIC AVAILABILITY.—The Commission shall ensure that, to the greatest extent practicable—

(A) information required to be disclosed under this subsection is publicly available through the Commission website in a manner that is searchable, sortable, and downloadable; and

(B) the Commission’s public database containing information disclosed under this subsection is linked electronically to the websites maintained by the Secretary of the Senate and the Clerk of the House of Representatives containing information filed pursuant to the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.).

## (6) REGULATIONS.—Not later than 6 months after September 14, 2007, the Commission shall promulgate regulations to implement this subsection. Under such regulations, the Commission—

(A) may, notwithstanding paragraphs (2) and (3), provide for quarterly filing of the schedule described in paragraph (2) by a committee which files reports under this section more frequently than on a quarterly basis;

(B) shall provide guidance to committees with respect to whether a person is reasonably known by a committee to be a person described in paragraph (8), which shall include a requirement that committees consult the websites maintained by the Secretary of the Senate and the Clerk of the House of Representatives containing information filed pursuant to the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.);

(C) may not exempt the activity of a person described in paragraph (8) from disclosure under this subsection on the grounds

1 that the person is authorized to engage in fundraising for the com-  
2 mittee or any other similar grounds; and

3 (D) shall provide for the broadest possible disclosure of activi-  
4 ties described in this subsection by persons described in paragraph  
5 (8) that is consistent with this subsection.

6 (7) COMMITTEES DESCRIBED.—A committee described in this para-  
7 graph is an authorized committee of a candidate, a leadership PAC, or  
8 a political party committee.

9 (8) PERSONS DESCRIBED.—A person described in this paragraph is  
10 any person, who, at the time a contribution is forwarded to a com-  
11 mittee as described in paragraph (1)(A)(i) or is received by a com-  
12 mittee as described in paragraph (1)(A)(ii), is—

13 (A) a current registrant under section 4(a) of the Lobbying Dis-  
14 closure Act of 1995 (2 U.S.C. 1603(a));

15 (B) an individual who is listed on a current registration filed  
16 under section 4(b)(6) of the Lobbying Disclosure Act of 1995 (2  
17 U.S.C. 1603(b)(6)) or a current report under section 5(b)(2)(C)  
18 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(b)(2)(C));  
19 or

20 (C) a political committee established or controlled by such a reg-  
21 istrant or individual.

22 **§ 1122. Reports on convention financing**

23 (a) FILING OF FINANCIAL STATEMENT.—Each committee or other orga-  
24 nization described in subsection (b) shall, within 60 days following the end  
25 of the convention (but not later than 20 days prior to the date on which  
26 presidential and vice-presidential electors are chosen), file with the Commis-  
27 sion a full and complete financial statement, in such form and detail as the  
28 Commission may prescribe, of the sources from which the committee or  
29 other organization derived its funds, and the purpose for which such funds  
30 were expended.

31 (b) DESCRIPTION OF COMMITTEE OR OTHER ORGANIZATION.—A com-  
32 mittee or other organization referred to in subsection (a) is a committee or  
33 other organization that represents—

34 (1) a State, or a political subdivision thereof, or any group of per-  
35 sons, in dealing with officials of a national political party with respect  
36 to matters involving a convention held in such State or political sub-  
37 division to nominate a candidate for the office of President or Vice  
38 President; or

39 (2) a national political party in making arrangements for the conven-  
40 tion of such party held to nominate a candidate for the office of Presi-  
41 dent or Vice President.

1 **§ 1123. Statements filed with State officers**

2 (a) COPIES OF REPORTS TO BE FILED WITH STATES.—

3 (1) DEFINITION OF APPROPRIATE STATE.—In this subsection, the  
4 term “appropriate State” means—

5 (A) for statements and reports in connection with the campaign  
6 for nomination for election of a candidate to the office of Presi-  
7 dent or Vice President, each State in which an expenditure is  
8 made on behalf of the candidate; and

9 (B) for statements and reports in connection with the campaign  
10 for nomination for election, or election, of a candidate to the office  
11 of Senator or Representative in, or Delegate or Resident Commis-  
12 sioner to, Congress, the State in which the candidate seeks elec-  
13 tion; except that political committees other than authorized com-  
14 mittees are only required to file, and Secretaries of State required  
15 to keep, that portion of the report applicable to candidates seeking  
16 election in that State.

17 (2) FILING OF COPIES.—A copy of each report and statement re-  
18 quired to be filed by any person under this chapter shall be filed by  
19 such person with the Secretary of State (or equivalent State officer)  
20 of the appropriate State, or, if different, the officer of such State who  
21 is charged by State law with maintaining State election campaign re-  
22 ports. The chief executive officer of such State shall designate any such  
23 officer and notify the Commission of any such designation.

24 (b) DUTIES OF STATE OFFICERS.—The Secretary of State (or equivalent  
25 State officer), or the officer designated under subsection (a)(2), shall—

26 (1) receive and maintain in an orderly manner all reports and state-  
27 ments required by this chapter to be filed therewith;

28 (2) keep such reports and statements (either in original filed form  
29 or in facsimile copy by microfilm or otherwise) for 2 years after their  
30 date of receipt;

31 (3) make each report and statement filed therewith available as soon  
32 as practicable (but within 48 hours of receipt) for public inspection and  
33 copying during regular business hours, and permit copying of any such  
34 report or statement by hand or by duplicating machine at the request  
35 of any person, except that such copying shall be at the expense of the  
36 person making the request; and

37 (4) compile and maintain a current list of all reports and statements  
38 pertaining to each candidate.

39 (c) WAIVER.—Subsections (a) and (b) shall not apply with respect to any  
40 State that, as determined by the Commission, has a system that permits

1 electronic access to, and duplication of, reports and statements that are filed  
2 with the Commission.

3 SUBCHAPTER IV—FEDERAL ELECTION COMMISSION

4 **§ 1131. Establishment**

5 (a) IN GENERAL.—

6 (1) COMPOSITION.—There is established a commission to be known  
7 as the Federal Election Commission. The Commission is composed of  
8 the Secretary of the Senate and the Clerk of the House of Representa-  
9 tives or their designees, ex officio and without the right to vote, and  
10 6 members appointed by the President, by and with the advice and con-  
11 sent of the Senate. No more than 3 members of the Commission ap-  
12 pointed under this paragraph may be affiliated with the same political  
13 party.

14 (2) TERMS AND VACANCIES.—

15 (A) SINGLE TERM OF 6 YEARS.—Members of the Commission  
16 shall serve for a single term of 6 years.

17 (B) SERVICE PAST EXPIRATION OF TERM PENDING SUC-  
18 CESSOR.—A member of the Commission may serve on the Com-  
19 mission after the expiration of his or her term until his or her suc-  
20 cessor has taken office as a member of the Commission.

21 (C) APPOINTMENT FOR UNEXPIRED TERM IN CASE OF VA-  
22 CANCY.—An individual appointed to fill a vacancy occurring other  
23 than by the expiration of a term of office shall be appointed only  
24 for the unexpired term of the member he or she succeeds.

25 (D) VACANCIES FILLED IN SAME MANNER AS ORIGINAL AP-  
26 POINTMENT.—Any vacancy occurring in the membership of the  
27 Commission shall be filled in the same manner as in the case of  
28 the original appointment.

29 (3) BASIS FOR CHOOSING MEMBERS.—Members shall be chosen on  
30 the basis of their experience, integrity, impartiality, and good judgment  
31 and members (other than the Secretary of the Senate and the Clerk  
32 of the House of Representatives) shall be individuals who, at the time  
33 appointed to the Commission, are not elected or appointed officers or  
34 employees in the executive, legislative, or judicial branch of the Federal  
35 Government. Such members of the Commission shall not engage in any  
36 other business, vocation, or employment. Any individual who is engag-  
37 ing in any other business, vocation, or employment at the time of his  
38 or her appointment to the Commission shall terminate or liquidate such  
39 activity no later than 90 days after such appointment.

40 (4) COMPENSATION.—Members of the Commission (other than the  
41 Secretary of the Senate and the Clerk of the House of Representatives)

1 shall receive compensation equivalent to the compensation paid at level  
2 IV of the Executive Schedule (5 U.S.C. 5315).

3 (5) CHAIRMAN AND A VICE CHAIRMAN.—The Commission shall elect  
4 a chairman and a vice chairman from among its members (other than  
5 the Secretary of the Senate and the Clerk of the House of Representa-  
6 tives) for a term of one year. A member may serve as chairman only  
7 once during any term of office to which such member is appointed. The  
8 chairman and the vice chairman shall not be affiliated with the same  
9 political party. The vice chairman shall act as chairman in the absence  
10 or disability of the chairman or in the event of a vacancy in such office.

11 (b) ADMINISTRATION, ENFORCEMENT, AND FORMULATION OF POLICY.—

12 (1) IN GENERAL.—The Commission shall administer, seek to obtain  
13 compliance with, and formulate policy with respect to, this chapter and  
14 chapters 25 and 27 of this title. The Commission shall have exclusive  
15 jurisdiction with respect to the civil enforcement of such provisions.

16 (2) CONGRESSIONAL AUTHORITY AND FUNCTIONS UNAFFECTED.—

17 Nothing in this chapter shall be construed to limit, restrict, or diminish  
18 any investigatory, informational, oversight, supervisory, or disciplinary  
19 authority or function of Congress or any committee of Congress with  
20 respect to elections for Federal office.

21 (c) VOTING REQUIREMENTS.—All decisions of the Commission with re-  
22 spect to the exercise of its duties and powers under this chapter shall be  
23 made by a majority vote of the members of the Commission, except that  
24 the affirmative vote of 4 members of the Commission shall be required in  
25 order for the Commission to take any action in accordance with paragraph  
26 (6), (7), (8), or (9) of section 1132(a) of this title or with chapters 25 or  
27 27 of this title. A member of the Commission may not delegate to any per-  
28 son his or her vote or any decisionmaking authority or duty vested in the  
29 Commission by this chapter.

30 (d) MEETINGS.—The Commission shall meet at least once each month  
31 and also at the call of any member.

32 (e) RULES, SEAL, AND PRINCIPAL OFFICE.—The Commission shall pre-  
33 pare written rules for the conduct of its activities, shall have an official seal  
34 which shall be judicially noticed, and shall have its principal office in or  
35 near the District of Columbia (but it may meet or exercise any of its powers  
36 anywhere in the United States).

37 (f) ADMINISTRATIVE PROVISIONS.—

38 (1) STAFF DIRECTOR, GENERAL COUNSEL, AND ADDITIONAL PER-  
39 SONNEL.—The Commission shall have a staff director and a general  
40 counsel who shall be appointed by the Commission. The staff director  
41 shall be paid at a rate not to exceed the rate of basic pay in effect

1 for level IV of the Executive Schedule (5 U.S.C. 5315). The general  
 2 counsel shall be paid at a rate not to exceed the rate of basic pay in  
 3 effect for level V of the Executive Schedule (5 U.S.C. 5316). With the  
 4 approval of the Commission, the staff director may appoint and fix the  
 5 pay of such additional personnel as he or she considers desirable with-  
 6 out regard to the provisions of title 5 governing appointments in the  
 7 competitive service.

8 (2) TEMPORARY AND INTERMITTENT SERVICES.—With the approval  
 9 of the Commission, the staff director may procure temporary and inter-  
 10 mittent services to the same extent as is authorized by section 3109(b)  
 11 of title 5, but at rates for individuals not to exceed the daily equivalent  
 12 of the annual rate of basic pay in effect for grade GS-15 of the Gen-  
 13 eral Schedule (5 U.S.C. 5332).

14 (3) ASSISTANCE FROM OTHER AGENCIES.—In carrying out its re-  
 15 sponsibilities under this chapter, the Commission shall, to the fullest  
 16 extent practicable, avail itself of the assistance, including personnel and  
 17 facilities of other agencies and departments of the United States. The  
 18 heads of such agencies and departments may make available to the  
 19 Commission such personnel, facilities, and other assistance, with or  
 20 without reimbursement, as the Commission may request.

21 (4) AUTHORIZATION TO APPEAR AND DEFEND AGAINST ACTIONS IN-  
 22 STITUTED UNDER THIS CHAPTER.—Notwithstanding paragraph (2),  
 23 the Commission is authorized to appear in and defend against any ac-  
 24 tion instituted under this chapter, either by attorneys employed in its  
 25 office, or by counsel whom it may appoint, on a temporary basis as  
 26 may be necessary for such purpose, without regard to the provisions  
 27 of title 5 governing appointments in the competitive service, and whose  
 28 compensation it may fix without regard to chapter 51 and subchapter  
 29 III of chapter 53 of such title. The compensation of counsel so ap-  
 30 pointed on a temporary basis shall be paid out of any funds otherwise  
 31 available to pay the compensation of employees of the Commission.

### 32 § 1132. Powers

33 (a) SPECIFIC AUTHORITIES.—The Commission has the power—

- 34 (1) to require by special or general orders, any person to submit,  
 35 under oath, such written reports and answers to questions as the Com-  
 36 mission may prescribe;
- 37 (2) to administer oaths or affirmations;
- 38 (3) to require by subpoena, signed by the chairman or the vice chair-  
 39 man, the attendance and testimony of witnesses and the production of  
 40 all documentary evidence relating to the execution of its duties;

1 (4) in any proceeding or investigation, to order testimony to be taken  
2 by deposition before any person who is designated by the Commission  
3 and has the power to administer oaths and, in such instances, to com-  
4 pel testimony and the production of evidence in the same manner as  
5 authorized under paragraph (3);

6 (5) to pay witnesses the same fees and mileage as are paid in like  
7 circumstances in the courts of the United States;

8 (6) to initiate (through civil actions for injunctive, declaratory, or  
9 other appropriate relief), defend (in the case of any civil action brought  
10 under section 1134(a)(8) of this title) or appeal any civil action in the  
11 name of the Commission to enforce this chapter and chapters 25 and  
12 27 of this title, through its general counsel;

13 (7) to render advisory opinions under section 1133 of this title;

14 (8) to develop such prescribed forms and to make, amend, and repeal  
15 such rules, pursuant to chapter 5 of title 5, as are necessary to carry  
16 out this chapter and chapters 25 and 27 of this title; and

17 (9) to conduct investigations and hearings expeditiously, to encour-  
18 age voluntary compliance, and to report apparent violations to the ap-  
19 propriate law enforcement authorities.

20 (b) JUDICIAL ORDERS FOR COMPLIANCE.—Upon petition by the Commis-  
21 sion, any United States district court within the jurisdiction of which any  
22 inquiry is being carried on may, in case of refusal to obey a subpoena or  
23 order of the Commission issued under subsection (a), issue an order requir-  
24 ing compliance. Any failure to obey the order of the court may be punished  
25 by the court as a contempt thereof.

26 (c) CIVIL LIABILITY FOR DISCLOSURE OF INFORMATION.—No person  
27 shall be subject to civil liability to any person (other than the Commission  
28 or the United States) for disclosing information at the request of the Com-  
29 mission.

30 (d) CONCURRENT TRANSMISSIONS.—

31 (1) BUDGET ESTIMATES OR REQUESTS.—Whenever the Commission  
32 submits any budget estimate or request to the President or the Office  
33 of Management and Budget, it shall concurrently transmit a copy of  
34 such estimate or request to Congress.

35 (2) LEGISLATIVE RECOMMENDATIONS, TESTIMONY, OR COMMENTS  
36 ON LEGISLATION.—Whenever the Commission submits any legislative  
37 recommendation, or testimony, or comments on legislation, requested  
38 by Congress or by any Member of Congress, to the President or the  
39 Office of Management and Budget, it shall concurrently transmit a  
40 copy thereof to Congress or to the Member requesting the same. No  
41 officer or agency of the United States shall have any authority to re-

1           quire the Commission to submit its legislative recommendations, testi-  
 2           mony, or comments on legislation, to any office or agency of the United  
 3           States for approval, comments, or review, prior to the submission of  
 4           such recommendations, testimony, or comments to Congress.

5           (e) **EXCLUSIVE CIVIL REMEDY FOR ENFORCEMENT.**—Except as provided  
 6           in section 1134(a)(8) of this title, the power of the Commission to initiate  
 7           civil actions under subsection (a)(6) shall be the exclusive civil remedy for  
 8           the enforcement of this chapter.

9           **§ 1133. Advisory opinions**

10          (a) **TIMES FOR RESPONDING TO REQUESTS.**—

11           (1) **NO LATER THAN 60 DAYS.**—Not later than 60 days after the  
 12           Commission receives from a person a complete written request con-  
 13           cerning the application of this chapter, chapter 25 or 27 of this title,  
 14           or a rule or regulation prescribed by the Commission, with respect to  
 15           a specific transaction or activity by the person, the Commission shall  
 16           render a written advisory opinion relating to such transaction or activ-  
 17           ity to the person.

18           (2) **NO LATER THAN 20 DAYS.**—If an advisory opinion is requested  
 19           by a candidate, or any authorized committee of such candidate, during  
 20           the 60-day period before any election for Federal office involving the  
 21           requesting party, the Commission shall render a written advisory opin-  
 22           ion relating to such request no later than 20 days after the Commission  
 23           receives a complete written request.

24          (b) **PROCEDURES APPLICABLE TO INITIAL PROPOSAL OF RULES.**—Any  
 25          rule of law which is not stated in this chapter or in chapter 25 or 27 of  
 26          this title may be initially proposed by the Commission only as a rule or reg-  
 27          ulation pursuant to procedures established in section 1136(d) of this title.  
 28          No opinion of an advisory nature may be issued by the Commission or any  
 29          of its employees except in accordance with this section.

30          (c) **RELIANCE.**—

31           (1) **PERSONS ENTITLED TO RELY ON ADVISORY OPINION.**—Any advi-  
 32           sory opinion rendered by the Commission under subsection (a) may be  
 33           relied upon by—

34           (A) any person involved in the specific transaction or activity  
 35           with respect to which such advisory opinion is rendered; and

36           (B) any person involved in any specific transaction or activity  
 37           which is indistinguishable in all its material aspects from the  
 38           transaction or activity with respect to which such advisory opinion  
 39           is rendered.

40           (2) **ACTION IN GOOD FAITH IN ACCORDANCE WITH ADVISORY OPIN-**  
 41           **ION.**—Notwithstanding any other provisions of law, any person who re-

1 lies upon any provision or finding of an advisory opinion in accordance  
 2 with paragraph (1) and who acts in good faith in accordance with the  
 3 provisions and findings of such advisory opinion shall not, as a result  
 4 of any such act, be subject to any sanction provided by this chapter  
 5 or by chapter 25 or 27 of this title.

6 (d) REQUESTS MADE PUBLIC AND COMMENTS ACCEPTED FROM INTER-  
 7 ESTED PARTIES.—The Commission shall make public any request made  
 8 under subsection (a) for an advisory opinion. Before rendering an advisory  
 9 opinion, the Commission shall accept written comments submitted by any  
 10 interested party within the 10-day period following the date the request is  
 11 made public.

12 **§ 1134. Enforcement**

13 (a) ADMINISTRATIVE AND JUDICIAL PRACTICE AND PROCEDURE.—

14 (1) COMPLAINT.—Any person who believes a violation of this chapter  
 15 or of chapter 25 or 27 of this title has occurred, may file a complaint  
 16 with the Commission. Such complaint shall be in writing, signed and  
 17 sworn to by the person filing such complaint, shall be notarized, and  
 18 shall be made under penalty of perjury and subject to section 1001 of  
 19 title 18. Within 5 days after receipt of a complaint, the Commission  
 20 shall notify, in writing, any person alleged in the complaint to have  
 21 committed such a violation. Before the Commission conducts any vote  
 22 on the complaint, other than a vote to dismiss, any person so notified  
 23 shall have the opportunity to demonstrate, in writing, to the Commis-  
 24 sion within 15 days after notification that no action should be taken  
 25 against such person on the basis of the complaint. The Commission  
 26 may not conduct any investigation or take any other action under this  
 27 section solely on the basis of a complaint of a person whose identity  
 28 is not disclosed to the Commission.

29 (2) NOTIFICATION OF ALLEGED VIOLATION.—If the Commission,  
 30 upon receiving a complaint under paragraph (1) or on the basis of in-  
 31 formation ascertained in the normal course of carrying out its super-  
 32 visory responsibilities, determines, by an affirmative vote of 4 of its  
 33 members, that it has reason to believe that a person has committed,  
 34 or is about to commit, a violation of this chapter or chapter 25 or 27  
 35 of this title, the Commission shall, through its chairman or vice chair-  
 36 man, notify the person of the alleged violation. Such notification shall  
 37 set forth the factual basis for such alleged violation. The Commission  
 38 shall make an investigation of such alleged violation, which may include  
 39 a field investigation or audit, in accordance with this section.

40 (3) NOTIFICATION OF RECOMMENDATION TO VOTE ON PROBABLE  
 41 CAUSE AND BRIEFS ON LEGAL AND FACTUAL ISSUES.—The general

1 counsel of the Commission shall notify the respondent of any rec-  
 2 ommendation to the Commission by the general counsel to proceed to  
 3 a vote on probable cause pursuant to paragraph (4)(A)(i). With such  
 4 notification, the general counsel shall include a brief stating the posi-  
 5 tion of the general counsel on the legal and factual issues of the case.  
 6 Within 15 days of receipt of such brief, respondent may submit a brief  
 7 stating the position of such respondent on the legal and factual issues  
 8 of the case, and replying to the brief of general counsel. Such briefs  
 9 shall be filed with the Secretary of the Commission and shall be consid-  
 10 ered by the Commission before proceeding under paragraph (4).

11 (4) CORRECTING OR PREVENTING VIOLATIONS BY INFORMAL METH-  
 12 ODS.—

13 (A) INFORMAL METHODS.—

14 (i) IN GENERAL.—Except as provided in clause (ii) and  
 15 subparagraph (C), if the Commission determines, by an aff-  
 16 firmative vote of 4 of its members, that there is probable  
 17 cause to believe that any person has committed, or is about  
 18 to commit, a violation of this chapter or of chapter 25 or 27  
 19 of this title, the Commission shall attempt, for a period of at  
 20 least 30 days, to correct or prevent such violation by informal  
 21 methods of conference, conciliation, and persuasion, and to  
 22 enter into a conciliation agreement with any person involved.  
 23 Such attempt by the Commission to correct or prevent such  
 24 violation may continue for a period of not more than 90 days.  
 25 The Commission may not enter into a conciliation agreement  
 26 under this clause except pursuant to an affirmative vote of  
 27 4 of its members. A conciliation agreement, unless violated,  
 28 is a complete bar to any further action by the Commission,  
 29 including the bringing of a civil proceeding under paragraph  
 30 (6)(A).

31 (ii) DETERMINATION DURING 45-DAY PERIOD PRECEDING  
 32 ELECTION.—If any determination of the Commission under  
 33 clause (i) occurs during the 45-day period immediately pre-  
 34 ceding any election, then the Commission shall attempt, for  
 35 a period of at least 15 days, to correct or prevent the viola-  
 36 tion involved by the methods specified in clause (i).

37 (B) CONFIDENTIALITY AND PUBLICATION.—

38 (i) WRITTEN CONSENT REQUIRED FOR DISCLOSURE OF IN-  
 39 FORMATION RELATED TO CONCILIATION ATTEMPT.—No ac-  
 40 tion by the Commission or any person, and no information  
 41 derived, in connection with any conciliation attempt by the

1 Commission under subparagraph (A) may be made public by  
2 the Commission without the written consent of the respondent  
3 and the Commission.

4 (ii) AGREEMENTS AND DETERMINATIONS REQUIRED TO BE  
5 MADE PUBLIC.—If a conciliation agreement is agreed upon by  
6 the Commission and the respondent, the Commission shall  
7 make public any conciliation agreement signed by both the  
8 Commission and the respondent. If the Commission makes a  
9 determination that a person has not violated this chapter or  
10 chapter 25 or 27 of this title, the Commission shall make  
11 public such determination.

12 (C) AUTHORITY TO IMPOSE CIVIL PENALTIES FOR CERTAIN VIO-  
13 LATIONS.—

14 (i) APPLICABILITY.—This subparagraph shall apply with  
15 respect to violations that relate to reporting periods that  
16 begin on or after January 1, 2000, and that end on or before  
17 December 31, 2008.

18 (ii) FINDINGS AND IMPOSITION OF PENALTIES.—Notwith-  
19 standing subparagraph (A), in the case of a violation of any  
20 requirement of section 1121(a) of this title, the Commission  
21 may—

22 (I) find that a person committed such a violation on  
23 the basis of information obtained pursuant to the proce-  
24 dures described in paragraphs (1) and (2); and

25 (II) based on such finding, require the person to pay  
26 a civil money penalty in an amount determined under a  
27 schedule of penalties which is established and published  
28 by the Commission and which takes into account the  
29 amount of the violation involved, the existence of pre-  
30 vious violations by the person, and such other factors as  
31 the Commission considers appropriate.

32 (iii) NOTICE AND OPPORTUNITY TO BE HEARD.—The Com-  
33 mission may not make any determination adverse to a person  
34 under clause (ii) until the person has been given written no-  
35 tice and an opportunity to be heard before the Commission.

36 (iv) REVIEW.—Any person against whom an adverse deter-  
37 mination is made under this subparagraph may obtain a re-  
38 view of such determination in the district court of the United  
39 States for the district in which the person resides, or trans-  
40 acts business, by filing in such court (prior to the expiration  
41 of the 30-day period which begins on the date the person re-

1 ceives notification of the determination) a written petition re-  
2 questing that the determination be modified or set aside.

3 (5) CIVIL PENALTIES AS PART OF CONCILIATION AGREEMENTS AND  
4 ENFORCEMENT OF CONCILIATION AGREEMENTS.—

5 (A) VIOLATION.—If the Commission believes that a violation of  
6 this chapter or of chapter 25 or 27 of this title has been com-  
7 mitted, a conciliation agreement entered into by the Commission  
8 under paragraph (4)(A) may include a requirement that the per-  
9 son involved in such conciliation agreement shall pay a civil pen-  
10 alty which does not exceed the greater of \$5,000 or an amount  
11 equal to any contribution or expenditure involved in such violation.

12 (B) KNOWING AND WILLFUL VIOLATION.—If the Commission  
13 believes that a knowing and willful violation of this chapter or of  
14 chapter 25 or 27 of this title has been committed, a conciliation  
15 agreement entered into by the Commission under paragraph  
16 (4)(A) may require that the person involved in such conciliation  
17 agreement shall pay a civil penalty which does not exceed the  
18 greater of \$10,000 or an amount equal to 200 percent of any con-  
19 tribution or expenditure involved in such violation (or, in the case  
20 of a violation of section 1158 of this title, which is not less than  
21 300 percent of the amount involved in the violation and is not  
22 more than the greater of \$50,000 or 1,000 percent of the amount  
23 involved in the violation).

24 (C) REFERRAL TO ATTORNEY GENERAL.—If the Commission by  
25 an affirmative vote of 4 of its members, determines that there is  
26 probable cause to believe that a knowing and willful violation of  
27 this chapter that is subject to subsection (d), or a knowing and  
28 willful violation of chapter 25 or 27 of this title, has occurred or  
29 is about to occur, it may refer such apparent violation to the At-  
30 torney General of the United States without regard to any limita-  
31 tions set forth in paragraph (4)(A).

32 (D) VIOLATION OF CONCILIATION AGREEMENT.—In any case in  
33 which a person has entered into a conciliation agreement with the  
34 Commission under paragraph (4)(A), the Commission may insti-  
35 tute a civil action for relief under paragraph (6)(A) if it believes  
36 that the person has violated any provision of such conciliation  
37 agreement. For the Commission to obtain relief in any civil action,  
38 the Commission need only establish that the person has violated,  
39 in whole or in part, any requirement of such conciliation agree-  
40 ment.

1 (6) COMMISSION UNABLE TO CORRECT OR PREVENT VIOLATION BY  
2 INFORMAL METHODS.—

3 (A) CIVIL ACTION FOR RELIEF.—If the Commission is unable  
4 to correct or prevent any violation of this chapter or of chapter  
5 25 or 27 of this title, by the methods specified in paragraph (4),  
6 the Commission may, upon an affirmative vote of 4 of its mem-  
7 bers, institute a civil action for relief, including a permanent or  
8 temporary injunction, restraining order, or any other appropriate  
9 order (including an order for a civil penalty which does not exceed  
10 the greater of \$5,000 or an amount equal to any contribution or  
11 expenditure involved in such violation) in the district court of the  
12 United States for the district in which the person against whom  
13 such action is brought is found, resides, or transacts business.

14 (B) COURT ACTION UPON PROPER SHOWING OF VIOLATION.—  
15 In any civil action instituted by the Commission under subpara-  
16 graph (A), the court may grant a permanent or temporary injunc-  
17 tion, restraining order, or other order, including a civil penalty  
18 which does not exceed the greater of \$5,000 or an amount equal  
19 to any contribution or expenditure involved in such violation, upon  
20 a proper showing that the person involved has committed, or is  
21 about to commit (if the relief sought is a permanent or temporary  
22 injunction or a restraining order), a violation of this chapter or  
23 chapter 25 or 27 of this title.

24 (C) COURT ACTION UPON DETERMINATION OF KNOWING AND  
25 WILLFUL VIOLATION.—In any civil action for relief instituted by  
26 the Commission under subparagraph (A), if the court determines  
27 that the Commission has established that the person involved in  
28 such civil action has committed a knowing and willful violation of  
29 this chapter or of chapter 25 or 27 of this title, the court may  
30 impose a civil penalty which does not exceed the greater of  
31 \$10,000 or an amount equal to 200 percent of any contribution  
32 or expenditure involved in such violation (or, in the case of a viola-  
33 tion of section 1158 of this title, which is not less than 300 per-  
34 cent of the amount involved in the violation and is not more than  
35 the greater of \$50,000 or 1,000 percent of the amount involved  
36 in the violation).

37 (7) SUBPOENAS.—In any action brought under paragraph (5) or (6),  
38 subpoenas for witnesses who are required to attend a United States  
39 district court may run into any other district.

40 (8) REVIEW OF DISMISSAL OR FAILURE TO ACT.—

1 (A) FILING PETITION.—Any party aggrieved by an order of the  
2 Commission dismissing a complaint filed by such party under  
3 paragraph (1), or by a failure of the Commission to act on such  
4 complaint during the 120-day period beginning on the date the  
5 complaint is filed, may file a petition with the United States Dis-  
6 trict Court for the District of Columbia.

7 (B) TIME FOR FILING.—Any petition under subparagraph (A)  
8 shall be filed, in the case of a dismissal of a complaint by the  
9 Commission, within 60 days after the date of the dismissal.

10 (C) DECLARATION THAT DISMISSAL OR FAILURE TO ACT IS  
11 CONTRARY TO LAW.—In any proceeding under this paragraph the  
12 court may declare that the dismissal of the complaint or the fail-  
13 ure to act is contrary to law, and may direct the Commission to  
14 conform with such declaration within 30 days, failing which the  
15 complainant may bring, in the name of such complainant, a civil  
16 action to remedy the violation involved in the original complaint.

17 (9) APPEAL OF JUDGMENT.—Any judgment of a district court under  
18 this subsection may be appealed to the court of appeals, and the judg-  
19 ment of the court of appeals affirming or setting aside, in whole or in  
20 part, any such order of the district court shall be final, subject to re-  
21 view by the Supreme Court of the United States upon certiorari or cer-  
22 tification as provided in section 1254 of title 28.

23 (10) VIOLATION OF COURT ORDER.—If the Commission determines  
24 after an investigation that any person has violated an order of the  
25 court entered in a proceeding brought under paragraph (6), it may pe-  
26 tition the court for an order to hold such person in civil contempt, but  
27 if it believes the violation to be knowing and willful it may petition the  
28 court for an order to hold such person in criminal contempt.

29 (11) CONFIDENTIALITY OF NOTIFICATION AND INVESTIGATION.—

30 (A) IN GENERAL.—Any notification or investigation made under  
31 this section shall not be made public by the Commission or by any  
32 person without the written consent of the person receiving such  
33 notification or the person with respect to whom such investigation  
34 is made.

35 (B) ENFORCEMENT.—Any member or employee of the Commis-  
36 sion, or any other person, who violates subparagraph (A) shall be  
37 fined not more than \$2,000. Any such member, employee, or other  
38 person who knowingly and willfully violates subparagraph (A) shall  
39 be fined not more than \$5,000.

40 (b) NOTICE TO PERSONS NOT FILING REQUIRED REPORTS AND PUBLI-  
41 CATION OF FAILURE.—Before taking any action under subsection (a)

1 against any person who has failed to file a report required under section  
 2 1121(a)(2)(A)(iii) of this title for the calendar quarter immediately pre-  
 3 ceding the election involved, or in accordance with section 1121(a)(2)(A)(i)  
 4 of this title, the Commission shall notify the person of such failure to file  
 5 the required reports. If a satisfactory response is not received within 4 busi-  
 6 ness days after the date of notification, the Commission shall, pursuant to  
 7 section 1136(a)(7) of this title, publish before the election the name of the  
 8 person and the report or reports such person has failed to file.

9 (c) REPORTS BY ATTORNEY GENERAL.—Whenever the Commission refers  
 10 an apparent violation to the Attorney General, the Attorney General shall  
 11 report to the Commission any action taken by the Attorney General regard-  
 12 ing the apparent violation. Each report shall be transmitted within 60 days  
 13 after the date the Commission refers an apparent violation, and every 30  
 14 days thereafter until the final disposition of the apparent violation.

15 (d) PENALTIES, DEFENSE, AND MITIGATION.—

16 (1) PENALTIES.—

17 (A) KNOWING AND WILLFUL VIOLATION OF ANY PROVISION OF  
 18 CHAPTER.—Any person who knowingly and willfully commits a  
 19 violation of any provision of this chapter which involves the mak-  
 20 ing, receiving, or reporting of any contribution, donation, or ex-  
 21 penditure—

22 (i) aggregating \$25,000 or more during a calendar year  
 23 shall be fined under title 18, imprisoned for not more than  
 24 5 years, or both; or

25 (ii) aggregating \$2,000 or more (but less than \$25,000)  
 26 during a calendar year shall be fined under such title, impris-  
 27 oned for not more than one year, or both.

28 (B) KNOWING AND WILLFUL VIOLATION OF SECTION 1154(c) OF  
 29 THIS TITLE.—In the case of a knowing and willful violation of sec-  
 30 tion 1154(c) of this title, the penalties set forth in this subsection  
 31 shall apply to a violation involving an amount aggregating \$250  
 32 or more during a calendar year. Such violation of section 1154(c)  
 33 of this title may incorporate a violation of section 1155(c), 1158,  
 34 or 1159 of this title.

35 (C) KNOWING AND WILLFUL VIOLATION OF SECTION 1171 OF  
 36 THIS TITLE.—In the case of a knowing and willful violation of sec-  
 37 tion 1171 of this title, the penalties set forth in this subsection  
 38 shall apply without regard to whether the making, receiving, or re-  
 39 porting of a contribution or expenditure of \$1,000 or more is in-  
 40 volved.

1 (D) KNOWING AND WILLFUL VIOLATION OF SECTION 1158 OF  
 2 THIS TITLE.—Any person who knowingly and willfully commits a  
 3 violation of section 1158 of this title involving an amount aggre-  
 4 gating more than \$10,000 during a calendar year shall be—

5 (i) imprisoned for not more than 2 years if the amount is  
 6 less than \$25,000 (and subject to imprisonment under sub-  
 7 paragraph (A) if the amount is \$25,000 or more);

8 (ii) fined not less than 300 percent of the amount involved  
 9 in the violation and not more than the greater of—

10 (I) \$50,000; or

11 (II) 1,000 percent of the amount involved in the viola-  
 12 tion; or

13 (iii) both imprisoned under clause (i) and fined under  
 14 clause (ii).

15 (2) CONCILIATION AGREEMENT AS EVIDENCE OF LACK OF KNOWL-  
 16 EDGE OR INTENT.—In any criminal action brought for a violation of  
 17 any provision of this chapter or of chapter 25 or 27 of this title, any  
 18 defendant may evidence the defendant's lack of knowledge or intent to  
 19 commit the alleged violation by introducing as evidence a conciliation  
 20 agreement entered into between the defendant and the Commission  
 21 under subsection (a)(4)(A) which specifically deals with the act or fail-  
 22 ure to act constituting such violation and which is still in effect.

23 (3) MITIGATION.—In any criminal action brought for a violation of  
 24 any provision of this chapter or of chapter 25 or 27 of this title, the  
 25 court before which such action is brought shall take into account, in  
 26 weighing the seriousness of the violation and in considering the appro-  
 27 priateness of the penalty to be imposed if the defendant is found guilty,  
 28 whether—

29 (A) the specific act or failure to act which constitutes the viola-  
 30 tion for which the action was brought is the subject of a concilia-  
 31 tion agreement entered into between the defendant and the Com-  
 32 mission under subsection (a)(4)(A);

33 (B) the conciliation agreement is in effect; and

34 (C) the defendant is, with respect to the violation involved, in  
 35 compliance with the conciliation agreement.

36 **§ 1135. Judicial review**

37 The Commission, the national committee of any political party, or any in-  
 38 dividual eligible to vote in any election for the office of President may insti-  
 39 tute such actions in the appropriate district court of the United States, in-  
 40 cluding actions for declaratory judgment, as may be appropriate to construe  
 41 the constitutionality of any provision of this chapter. The district court im-

1 mediately shall certify all questions of constitutionality of this chapter to the  
2 United States court of appeals for the circuit involved, which shall hear the  
3 matter sitting en banc.

4 **§ 1136. Administrative provisions**

5 (a) DUTIES OF COMMISSION.—The Commission shall—

6 (1) prescribe forms necessary to implement this chapter;

7 (2) prepare, publish, and furnish to all persons required to file re-  
8 ports and statements under this chapter a manual recommending uni-  
9 form methods of bookkeeping and reporting;

10 (3) develop a filing, coding, and cross-indexing system consistent  
11 with the purposes of this chapter;

12 (4) within 48 hours after the time of the receipt by the Commission  
13 of reports and statements filed with it, make them available for public  
14 inspection, and copying, at the expense of the person requesting such  
15 copying, except that any information copied from such reports or state-  
16 ments may not be sold or used by any person for the purpose of solie-  
17 iting contributions or for commercial purposes, other than using the  
18 name and address of any political committee to solicit contributions  
19 from such committee;

20 (5) keep such designations, reports, and statements for a period of  
21 10 years from the date of receipt, except that designations, reports,  
22 and statements that relate solely to candidates for the House of Rep-  
23 resentatives shall be kept for 5 years from the date of their receipt;

24 (6)(A) compile and maintain a cumulative index of designations, re-  
25 ports, and statements filed under this chapter, which index shall be  
26 published at regular intervals and made available for purchase directly  
27 or by mail;

28 (B) compile, maintain, and revise a separate cumulative index of re-  
29 ports and statements filed by multi-candidate committees, including in  
30 such index a list of multi-candidate committees; and

31 (C) compile and maintain a list of multi-candidate committees, which  
32 shall be revised and made available monthly;

33 (7) prepare and publish periodically lists of authorized committees  
34 which fail to file reports as required by this chapter;

35 (8) prescribe rules, regulations, and forms to carry out this chapter,  
36 in accordance with subsection (d); and

37 (9) transmit to the President no later than June 1 of each year, a  
38 report which states in detail the activities of the Commission in car-  
39 rying out its duties under this chapter, and any recommendations for  
40 any legislative or other action the Commission considers appropriate.

1 (b) USE OF PSEUDONYMS ON REPORTS.—A political committee may sub-  
 2 mit 10 pseudonyms on each report filed under this chapter in order to pro-  
 3 tect against the illegal use of names and addresses of contributors, provided  
 4 such committee attaches a list of such pseudonyms to the appropriate re-  
 5 port. The Secretary of the Senate or the Commission shall exclude these  
 6 lists from the public record.

7 (c) AUDITS AND FIELD INVESTIGATIONS.—The Commission may conduct  
 8 audits and field investigations of any political committee required to file a  
 9 report under section 1121 of this title. All audits and field investigations  
 10 concerning the verification for, and receipt and use of, any payments re-  
 11 ceived by a candidate or committee under chapter 25 or 27 of this title shall  
 12 be given priority. Prior to conducting any audit under this subsection, the  
 13 Commission shall perform an internal review of reports filed by selected  
 14 committees to determine if the reports filed by a particular committee meet  
 15 the threshold requirements for substantial compliance with this chapter.  
 16 Such thresholds for compliance shall be established by the Commission. The  
 17 Commission may, upon an affirmative vote of 4 of its members, conduct an  
 18 audit and field investigation of any committee which does meet the thresh-  
 19 old requirements established by the Commission. Such audit shall be com-  
 20 menced within 30 days of such vote, except that any audit of an authorized  
 21 committee of a candidate, under this subsection, shall be commenced within  
 22 6 months of the election for which such committee is authorized.

23 (d) RULES, REGULATIONS, AND FORMS.—

24 (1) DEFINITIONS.—In this subsection:

25 (A) LEGISLATIVE DAY.—The term “legislative day” means, with  
 26 respect to statements transmitted to the Senate, any calendar day  
 27 on which the Senate is in session, and with respect to statements  
 28 transmitted to the House of Representatives, any calendar day on  
 29 which the House of Representatives is in session.

30 (B) RULE AND REGULATION.—The terms “rule” and “regula-  
 31 tion” mean a provision or series of interrelated provisions stating  
 32 a single, separable rule of law.

33 (2) TRANSMISSION OF STATEMENT TO SENATE AND HOUSE OF REP-  
 34 RESENTATIVES.—Before prescribing any rule, regulation, or form  
 35 under this chapter, the Commission shall transmit a statement with re-  
 36 spect to such rule, regulation, or form to the Senate and the House  
 37 of Representatives, in accordance with this subsection. Such statement  
 38 shall set forth the proposed rule, regulation, or form, and shall contain  
 39 a detailed explanation and justification of it.

40 (3) EITHER HOUSE OF CONGRESS DOES NOT DISAPPROVE.—If either  
 41 House of Congress does not disapprove by resolution any proposed rule

1 or regulation submitted by the Commission under this section within  
 2 30 legislative days after the date of the receipt of such proposed rule  
 3 or regulation or within 10 legislative days after the date of receipt of  
 4 such proposed form, the Commission may prescribe such rule, regula-  
 5 tion, or form.

6 (4) PROCEDURE.—

7 (A) SENATE.—A motion to discharge a committee of the Senate  
 8 from the consideration of a resolution relating to any such rule,  
 9 regulation, or form or a motion to proceed to the consideration of  
 10 such a resolution, is highly privileged and shall be decided without  
 11 debate.

12 (B) HOUSE OF REPRESENTATIVES.—Whenever a committee of  
 13 the House of Representatives reports any resolution relating to  
 14 any such form, rule or regulation, it is at any time thereafter in  
 15 order (even though a previous motion to the same effect has been  
 16 disagreed to) to move to proceed to the consideration of the resolu-  
 17 tion. The motion is highly privileged and is not debatable. An  
 18 amendment to the motion is not in order, and is not in order to  
 19 move to reconsider the vote by which the motion is agreed to or  
 20 disagreed with.

21 (e) SCOPE OF PROTECTION FOR GOOD FAITH RELIANCE ON RULES OR  
 22 REGULATIONS.—Notwithstanding any other provision of law, any person  
 23 who relies upon any rule or regulation prescribed by the Commission in ac-  
 24 cordance with this section and who acts in good faith in accordance with  
 25 the rule or regulation shall not, as a result of such act, be subject to any  
 26 sanction provided by this chapter or by chapter 25 or 27 of this title.

27 (f) CONSULTATION BY COMMISSION AND INTERNAL REVENUE SERVICE  
 28 TO PROMULGATE CONSISTENT RULES, REGULATIONS, AND FORMS.—In  
 29 prescribing rules, regulations, and forms under this section, the Commission  
 30 and the Internal Revenue Service shall consult and work together to promul-  
 31 gate rules, regulations, and forms that are mutually consistent.

32 **§ 1137. Maintenance of website of election reports**

33 (a) DEFINITION OF ELECTION-RELATED REPORT.—In this section, the  
 34 term “election-related report” means any report, designation, or statement  
 35 required to be filed under this chapter.

36 (b) CENTRAL SITE.—The Commission shall maintain a central site on the  
 37 internet to make accessible to the public all publicly available election-re-  
 38 lated reports and information.

39 (c) COORDINATION WITH OTHER AGENCIES.—Any Federal executive  
 40 agency receiving election-related information which that agency is required  
 41 by law to publicly disclose shall cooperate and coordinate with the Commis-

1 sion to make such report available through, or for posting on, the site of  
2 the Commission in a timely manner.

3 **§ 1138. Authority to collect fees for attendance at con-**  
4 **ferences**

5 The Commission may charge and collect fees for attending or otherwise  
6 participating in a conference sponsored by the Commission, and notwith-  
7 standing section 3302 of title 31, any amounts received from such fees dur-  
8 ing a fiscal year shall be credited to and merged with the amounts appro-  
9 priated or otherwise made available to the Commission during the year, and  
10 shall be available for use during the year for the costs of sponsoring such  
11 conferences.

12 SUBCHAPTER V—CONTRIBUTIONS

13 **§ 1151. Use of contributed amounts**

14 (a) PERMITTED USES.—A contribution accepted by a candidate, and any  
15 other donation received by an individual as support for activities of the indi-  
16 vidual as a holder of Federal office, may be used by the candidate or indi-  
17 vidual—

18 (1) for otherwise authorized expenditures in connection with the  
19 campaign for Federal office of the candidate or individual;

20 (2) for ordinary and necessary expenses incurred in connection with  
21 duties of the individual as a holder of Federal office;

22 (3) for contributions to an organization described in section 170(c)  
23 of the Internal Revenue Code of 1986 (26 U.S.C. 170(c));

24 (4) for transfers, without limitation, to a national, State, or local  
25 committee of a political party;

26 (5) for donations to State and local candidates subject to the provi-  
27 sions of State law; or

28 (6) for any other lawful purpose unless prohibited by subsection (b).

29 (b) PROHIBITED USE.—

30 (1) IN GENERAL.—A contribution or donation described in sub-  
31 section (a) shall not be converted by any person to personal use.

32 (2) CONVERSION.—For the purposes of paragraph (1), a contribu-  
33 tion or donation shall be considered to be converted to personal use if  
34 the contribution or amount is used to fulfill any commitment, obliga-  
35 tion, or expense of a person that would exist irrespective of the can-  
36 didate's election campaign or individual's duties as a holder of Federal  
37 office, including—

38 (A) a home mortgage, rent, or utility payment;

39 (B) a clothing purchase;

40 (C) a noncampaign-related automobile expense;

41 (D) a country club membership;

- 1 (E) a vacation or other noncampaign-related trip;  
 2 (F) a household food item;  
 3 (G) a tuition payment;  
 4 (H) admission to a sporting event, concert, theater, or other  
 5 form of entertainment not associated with an election campaign;  
 6 and  
 7 (I) dues, fees, and other payments to a health club or rec-  
 8 reational facility.

9 (c) RESTRICTIONS ON USE OF CAMPAIGN FUNDS FOR FLIGHTS ON NON-  
 10 COMMERCIAL AIRCRAFT.—

11 (1) DEFINITION OF LEADERSHIP PAC.—In this subsection, the term  
 12 “leadership PAC” has the meaning given the term in section  
 13 1121(i)(1)(B) of this title.

14 (2) IN GENERAL.—Notwithstanding any other provision of this chap-  
 15 ter, a candidate for election for Federal office (other than a candidate  
 16 who is subject to paragraph (3)), or any authorized committee of such  
 17 a candidate, may not make any expenditure for a flight on an aircraft  
 18 unless—

19 (A) the aircraft is operated by an air carrier or commercial op-  
 20 erator certificated by the Federal Aviation Administration and the  
 21 flight is required to be conducted under air carrier safety rules,  
 22 or, in the case of travel which is abroad, by an air carrier or com-  
 23 mercial operator certificated by an appropriate foreign civil avia-  
 24 tion authority and the flight is required to be conducted under air  
 25 carrier safety rules; or

26 (B) the candidate, the authorized committee, or other political  
 27 committee pays to the owner, lessee, or other person who provides  
 28 the airplane the pro rata share of the fair market value of such  
 29 flight (as determined by dividing the fair market value of the nor-  
 30 mal and usual charter fare or rental charge for a comparable  
 31 plane of comparable size by the number of candidates on the  
 32 flight) within a commercially reasonable time frame after the date  
 33 on which the flight is taken.

34 (3) HOUSE CANDIDATES.—Notwithstanding any other provision of  
 35 this chapter, in the case of a candidate for election for the office of  
 36 Representative in, or Delegate or Resident Commissioner to, Congress,  
 37 an authorized committee and a leadership PAC of the candidate may  
 38 not make any expenditure for a flight on an aircraft unless—

39 (A) the aircraft is operated by an air carrier or commercial op-  
 40 erator certificated by the Federal Aviation Administration and the  
 41 flight is required to be conducted under air carrier safety rules,

1 or, in the case of travel which is abroad, by an air carrier or com-  
 2 mercial operator certificated by an appropriate foreign civil avia-  
 3 tion authority and the flight is required to be conducted under air  
 4 carrier safety rules; or

5 (B) the aircraft is operated by an entity of the Federal govern-  
 6 ment or the government of any State.

7 (4) EXCEPTION FOR AIRCRAFT OWNED OR LEASED BY CAN-  
 8 DIDATE.—

9 (A) DEFINITION OF IMMEDIATE FAMILY MEMBER.—In this  
 10 paragraph, the term “immediate family member” means, with re-  
 11 spect to a candidate, a father, mother, son, daughter, brother, sis-  
 12 ter, husband, wife, father-in-law, or mother-in-law.

13 (B) IN GENERAL.—Paragraphs (2) and (3) do not apply to a  
 14 flight on an aircraft owned or leased by the candidate involved or  
 15 an immediate family member of the candidate (including an air-  
 16 craft owned by an entity that is not a public corporation in which  
 17 the candidate or an immediate family member of the candidate has  
 18 an ownership interest), so long as the candidate does not use the  
 19 aircraft more than the candidate’s or immediate family member’s  
 20 proportionate share of ownership allows.

21 **§ 1152. Limitations on contributions and expenditures**

22 (a) DOLLAR LIMITS ON CONTRIBUTIONS.—

23 (1) IN GENERAL.—Except as provided in subsection (i) and section  
 24 1153 of this title, no person shall make contributions—

25 (A) to any candidate and the candidate’s authorized political  
 26 committees with respect to any election for Federal office which,  
 27 in the aggregate, exceed \$2,000;

28 (B) to the political committees established and maintained by  
 29 a national political party, which are not the authorized political  
 30 committees of any candidate, in any calendar year which, in the  
 31 aggregate, exceed \$25,000;

32 (C) to any other political committee (other than a committee de-  
 33 scribed in subparagraph (D)) in any calendar year which, in the  
 34 aggregate, exceed \$5,000; or

35 (D) to a political committee established and maintained by a  
 36 State committee of a political party in any calendar year which,  
 37 in the aggregate, exceed \$10,000.

38 (2) MULTICANDIDATE POLITICAL COMMITTEES.—

39 (A) DEFINITION OF MULTICANDIDATE POLITICAL COM-  
 40 MITTEE.—In this paragraph, the term “multicandidate political  
 41 committee” means a political committee that—

1 (i) has been registered under section 1112 of this title for  
2 a period of not less than 6 months;

3 (ii) has received contributions from more than 50 persons;  
4 and

5 (iii) except for any State political party organization, has  
6 made contributions to 5 or more candidates for Federal of-  
7 fice.

8 (B) LIMIT ON CONTRIBUTIONS.—No multicandidate political  
9 committee shall make contributions—

10 (i) to any candidate and the candidate's authorized political  
11 committees with respect to any election for Federal office  
12 which, in the aggregate, exceed \$5,000;

13 (ii) to the political committees established and maintained  
14 by a national political party, which are not the authorized po-  
15 litical committees of any candidate, in any calendar year,  
16 which, in the aggregate, exceed \$15,000; or

17 (iii) to any other political committee in any calendar year  
18 which, in the aggregate, exceed \$5,000.

19 (3) TWO-YEAR LIMIT.—During the period which begins on January  
20 1 of an odd-numbered year and ends on December 31 of the next even-  
21 numbered year, no individual may make contributions aggregating  
22 more than—

23 (A) \$37,500, in the case of contributions to candidates and the  
24 authorized committees of candidates; or

25 (B) \$57,500, in the case of any other contributions, of which  
26 not more than \$37,500 may be attributable to contributions to po-  
27 litical committees which are not political committees of national  
28 political parties.

29 (4) TRANSFERS AMONG POLITICAL COMMITTEES.—The limitations  
30 on contributions contained in paragraphs (1) and (2) do not apply to  
31 transfers between and among political committees which are national,  
32 State, district, or local committees (including any subordinate com-  
33 mittee thereof) of the same political party.

34 (5) POLITICAL COMMITTEES OF CORPORATIONS AND LABOR ORGANI-  
35 ZATIONS.—

36 (A) IN GENERAL.—For purposes of the limitations provided by  
37 paragraphs (1) and (2), all contributions made by political com-  
38 mittees established or financed or maintained or controlled by any  
39 corporation, labor organization, or any other person, including any  
40 parent, subsidiary, branch, division, department, or local unit of  
41 such corporation, labor organization, or any other person, or by

1 any group of such persons, shall be considered to have been made  
2 by a single political committee, except that—

3 (i) nothing in this subparagraph shall limit transfers be-  
4 tween political committees of funds raised through joint fund  
5 raising efforts;

6 (ii) for purposes of the limitations provided by paragraphs  
7 (1) and (2), all contributions made by a single political com-  
8 mittee established or financed or maintained or controlled by  
9 a national committee of a political party and by a single polit-  
10 ical committee established or financed or maintained or con-  
11 trolled by the State committee of a political party shall not  
12 be considered to have been made by a single political com-  
13 mittee; and

14 (iii) nothing in this section shall limit the transfer of funds  
15 between the principal campaign committee of a candidate  
16 seeking nomination or election to a Federal office and the  
17 principal campaign committee of that candidate for nomina-  
18 tion or election to another Federal office if—

19 (I) such transfer is not made when the candidate is  
20 actively seeking nomination or election to both such of-  
21 fices;

22 (II) the limitations contained in this chapter on con-  
23 tributions by persons are not exceeded by such transfer;  
24 and

25 (III) the candidate has not elected to receive any  
26 funds under chapter 25 or 27 of this title.

27 (B) TREATMENT OF SEPARATE SEGREGATED FUNDS.—In any  
28 case in which a corporation and any of its subsidiaries, branches,  
29 divisions, departments, or local units, or a labor organization and  
30 any of its subsidiaries, branches, divisions, departments, or local  
31 units establish or finance or maintain or control more than one  
32 separate segregated fund, all such separate segregated funds shall  
33 be treated as a single separate segregated fund for purposes of the  
34 limitations provided by paragraphs (1) and (2).

35 (6) LIMITS APPLY SEPARATELY TO EACH ELECTION.—The limita-  
36 tions on contributions to a candidate imposed by paragraphs (1) and  
37 (2) shall apply separately with respect to each election, except that all  
38 elections held in any calendar year for the office of President of the  
39 United States (except a general election for such office) shall be consid-  
40 ered to be one election.

41 (7) APPLICATION OF LIMITS.—For purposes of this subsection—

1 (A) contributions to a named candidate made to any political  
2 committee authorized by such candidate to accept contributions on  
3 the candidate's behalf shall be considered to be contributions made  
4 to such candidate;

5 (B)(i) expenditures made by any person in cooperation, con-  
6 sultation, or concert, with, or at the request or suggestion of, a  
7 candidate, the candidate's authorized political committees, or their  
8 agents, shall be considered to be a contribution to such candidate;

9 (ii) expenditures made by any person (other than a candidate  
10 or candidate's authorized committee) in cooperation, consultation,  
11 or concert with, or at the request or suggestion of, a national,  
12 State, or local committee of a political party, shall be considered  
13 to be contributions made to such party committee; and

14 (iii) the financing by any person of the dissemination, distribu-  
15 tion, or republication, in whole or in part, of any broadcast or any  
16 written, graphic, or other form of campaign materials prepared by  
17 the candidate, the candidate's campaign committees, or their au-  
18 thorized agents shall be considered to be an expenditure for pur-  
19 poses of this paragraph;

20 (C) if—

21 (i) any person makes, or contracts to make, any disburse-  
22 ment for any electioneering communication (within the mean-  
23 ing of section 1121(f)(2) of this title); and

24 (ii) such disbursement is coordinated with a candidate or  
25 an authorized committee of such candidate, a Federal, State,  
26 or local political party or committee thereof, or an agent or  
27 official of any such candidate, party, or committee;

28 such disbursement or contracting shall be treated as a contribu-  
29 tion to the candidate supported by the electioneering communica-  
30 tion or that candidate's party and as an expenditure by that can-  
31 didate or that candidate's party; and

32 (D) contributions made to or for the benefit of any candidate  
33 nominated by a political party for election to the office of Vice  
34 President of the United States shall be considered to be contribu-  
35 tions made to or for the benefit of the candidate of such party for  
36 election to the office of President of the United States.

37 (8) CONTRIBUTIONS THROUGH INTERMEDIARY OR CONDUIT.—For  
38 purposes of the limitations imposed by this section, all contributions  
39 made by a person, either directly or indirectly, on behalf of a particular  
40 candidate, including contributions which are in any way earmarked or  
41 otherwise directed through an intermediary or conduit to such can-

1 candidate, shall be treated as contributions from such person to such can-  
 2 didate. The intermediary or conduit shall report the original source and  
 3 the intended recipient of such contribution to the Commission and to  
 4 the intended recipient.

5 (b) DOLLAR LIMITS ON EXPENDITURES BY CANDIDATES FOR OFFICE OF  
 6 PRESIDENT OF UNITED STATES.—

7 (1) IN GENERAL.—No candidate for the office of President of the  
 8 United States who is eligible under section 2502 of this title (relating  
 9 to condition for eligibility for payments) or under section 2702 of this  
 10 title (relating to eligibility for payments) to receive payments from the  
 11 Secretary of the Treasury may make expenditures in excess of—

12 (A) \$10,000,000, in the case of a campaign for nomination for  
 13 election to such office, except the aggregate of expenditures under  
 14 this subparagraph in any one State shall not exceed the greater  
 15 of 16 cents multiplied by the voting age population of the State  
 16 (as certified under subsection (e)), or \$200,000; or

17 (B) \$20,000,000 in the case of a campaign for election to such  
 18 office.

19 (2) INCLUSION OF EXPENDITURES BY CANDIDATE FOR VICE PRESI-  
 20 DENT.—For purposes of this subsection expenditures made by or on  
 21 behalf of any candidate nominated by a political party for election to  
 22 the office of Vice President of the United States shall be considered  
 23 to be expenditures made by or on behalf of the candidate of such party  
 24 for election to the office of President of the United States.

25 (3) EXPENDITURES MADE ON BEHALF OF CANDIDATE.—For pur-  
 26 poses of this subsection an expenditure is made on behalf of a can-  
 27 didate, including a vice presidential candidate, if it is made by—

28 (A) an authorized committee or any other agent of the can-  
 29 didate for purposes of making any expenditure; or

30 (B) any person authorized or requested by the candidate, an au-  
 31 thorized committee of the candidate, or an agent of the candidate,  
 32 to make the expenditure.

33 (c) INCREASES ON LIMITS BASED ON INCREASES IN PRICE INDEX.—

34 (1) DEFINITIONS.—In this subsection:

35 (A) BASE PERIOD.—The term “base period” means—

36 (i) for purposes of subsections (b) and (d), calendar year  
 37 1974; and

38 (ii) for purposes of subsections (a)(1)(A), (a)(1)(B), (a)(3),  
 39 and (h), calendar year 2001.

40 (B) PRICE INDEX.—The term “price index” means the average  
 41 over a calendar year of the Consumer Price Index (all items—

1 United States city average) published monthly by the Bureau of  
2 Labor Statistics.

3 (2) IN GENERAL.—

4 (A) CERTIFICATION OF PERCENT CHANGE BY SECRETARY OF  
5 LABOR.—At the beginning of each calendar year, as there become  
6 available necessary data from the Bureau of Labor Statistics of  
7 the Department of Labor, the Secretary of Labor shall certify to  
8 the Commission and publish in the Federal Register the percent  
9 difference between the price index for the 12 months preceding the  
10 beginning of such calendar year and the price index for the base  
11 period.

12 (B) ADJUSTMENT.—Except as provided in subparagraph (C), in  
13 any calendar year after 2002—

14 (i) a limitation established by subsections (a)(1)(A),  
15 (a)(1)(B), (a)(3), (b), (d), or (h) shall be increased by the  
16 percent difference determined under subparagraph (A);

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

19 (iii) if any amount after adjustment under clause (i) is not  
20 a multiple of \$100, such amount shall be rounded to the  
21 nearest multiple of \$100.

22 (C) INCREASES TO BE MADE ONLY IN ODD-NUMBERED YEARS  
23 AND TO REMAIN IN EFFECT FOR 2-YEAR PERIOD.—In the case of  
24 limitations under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h),  
25 increases shall only be made in odd-numbered years and such in-  
26 creases shall remain in effect for the 2-year period beginning on  
27 the first day following the date of the last general election in the  
28 year preceding the year in which the amount is increased and end-  
29 ing on the date of the next general election.

30 (d) EXPENDITURES BY NATIONAL AND STATE COMMITTEES OF POLIT-  
31 ICAL PARTIES.—

32 (1) IN GENERAL.—Notwithstanding any other provision of law with  
33 respect to limitations on expenditures or limitations on contributions,  
34 the national committee of a political party and a State committee of  
35 a political party, including any subordinate committee of a State com-  
36 mittee, may make expenditures in connection with the general election  
37 campaign of candidates for Federal office, subject to the limitations  
38 contained in paragraphs (2), (3), and (4).

39 (2) PRESIDENTIAL CAMPAIGNS.—The national committee of a polit-  
40 ical party may not make any expenditure in connection with the gen-  
41 eral election campaign of any candidate for President of the United

1 States who is affiliated with such party which exceeds an amount equal  
 2 to 2 cents multiplied by the voting age population of the United States  
 3 (as certified under subsection (e)). Any expenditure under this para-  
 4 graph shall be in addition to any expenditure by a national committee  
 5 of a political party serving as the principal campaign committee of a  
 6 candidate for the office of President of the United States.

7 (3) CONGRESSIONAL CAMPAIGNS.—The national committee of a po-  
 8 litical party, or a State committee of a political party, including any  
 9 subordinate committee of a State committee, may not make any ex-  
 10 penditure in connection with the general election campaign of a can-  
 11 didate for Federal office in a State who is affiliated with such party  
 12 which exceeds—

13 (A) in the case of a candidate for election to the office of Sen-  
 14 ator, or of Representative from a State which is entitled to only  
 15 one Representative, the greater of—

16 (i) 2 cents multiplied by the voting age population of the  
 17 State (as certified under subsection (e)); or

18 (ii) \$20,000; and

19 (B) in the case of a candidate for election to the office of Rep-  
 20 resentative, Delegate, or Resident Commissioner in any other  
 21 State, \$10,000.

22 (4) INDEPENDENT VERSUS COORDINATED EXPENDITURES BY  
 23 PARTY.—

24 (A) IN GENERAL.—On or after the date on which a political  
 25 party nominates a candidate, no committee of the political party  
 26 may make—

27 (i) any coordinated expenditure under this subsection with  
 28 respect to the candidate during the election cycle at any time  
 29 after it makes any independent expenditure (as defined in  
 30 section 1101 of this title) with respect to the candidate dur-  
 31 ing the election cycle; or

32 (ii) any independent expenditure (as defined in section  
 33 1101 of this title) with respect to the candidate during the  
 34 election cycle at any time after it makes any coordinated ex-  
 35 penditure under this subsection with respect to the candidate  
 36 during the election cycle.

37 (B) APPLICATION.—For purposes of this paragraph, all political  
 38 committees established and maintained by a national political  
 39 party (including all congressional campaign committees) and all  
 40 political committees established and maintained by a State polit-

1           ical party (including any subordinate committee of a State com-  
2           mittee) shall be considered to be a single political committee.

3           (C) TRANSFERS.—A committee of a political party that makes  
4           coordinated expenditures under this subsection with respect to a  
5           candidate shall not, during an election cycle, transfer any funds  
6           to, assign authority to make coordinated expenditures under this  
7           subsection to, or receive a transfer of funds from, a committee of  
8           the political party that has made or intends to make an inde-  
9           pendent expenditure with respect to the candidate.

10          (e) CERTIFICATION AND PUBLICATION OF ESTIMATED VOTING AGE POP-  
11          ULATION.—

12           (1) DEFINITION OF VOTING AGE POPULATION.— In this subsection,  
13           the term “voting age population” means resident population, 18 years  
14           of age or older.

15           (2) CERTIFICATION AND PUBLICATION.—During the first week of  
16           January each year, the Secretary of Commerce shall certify to the  
17           Commission and publish in the Federal Register an estimate of the vot-  
18           ing age population of the United States, of each State, and of each  
19           congressional district as of the first day of July next preceding the date  
20           of certification.

21           (f) PROHIBITED CONTRIBUTIONS AND EXPENDITURES.—No candidate or  
22           political committee shall knowingly accept any contribution or make any ex-  
23           penditure in violation of this section. No officer or employee of a political  
24           committee shall knowingly accept a contribution made for the benefit or use  
25           of a candidate, or knowingly make any expenditure on behalf of a candidate,  
26           in violation of any limitation imposed on contributions and expenditures  
27           under this section.

28           (g) ATTRIBUTION OF MULTI-STATE EXPENDITURES TO CANDIDATE’S  
29           EXPENDITURE LIMITATION IN EACH STATE.—The Commission shall pre-  
30           scribe rules under which any expenditure by a candidate for presidential  
31           nominations for use in 2 or more States shall be attributed to such can-  
32           didate’s expenditure limitation in each such State, based on the voting age  
33           population in such State that can reasonably be expected to be influenced  
34           by such expenditure.

35           (h) SENATORIAL CANDIDATES.—Notwithstanding any other provision of  
36           this chapter, amounts totaling not more than \$35,000 may be contributed  
37           to a candidate for nomination for election, or for election, to the United  
38           States Senate during the year in which an election is held in which he or  
39           she is such a candidate, by the Republican or Democratic Senatorial Cam-  
40           paign Committee, or the national committee of a political party, or any com-  
41           bination of such committees.

1 (i) INCREASED LIMIT TO ALLOW RESPONSE TO EXPENDITURES FROM  
2 PERSONAL FUNDS.—

3 (1) INCREASE.—

4 (A) IN GENERAL.—Subject to paragraph (2), if the opposition  
5 personal funds amount with respect to a candidate for election to  
6 the office of Senator exceeds the threshold amount, the limit under  
7 subsection (a)(1)(A) (in this subsection referred to as the “appli-  
8 cable limit”) with respect to that candidate shall be the increased  
9 limit.

10 (B) THRESHOLD AMOUNT.—

11 (i) STATE-BY-STATE COMPETITIVE AND FAIR CAMPAIGN  
12 FORMULA.—In this subsection, the threshold amount with re-  
13 spect to an election cycle of a candidate described in subpara-  
14 graph (A) is an amount equal to the sum of—

15 (I) \$150,000; and

16 (II) \$0.04 multiplied by the voting age population.

17 (ii) DEFINITION OF VOTING AGE POPULATION.—In this  
18 subparagraph, the term “voting age population” means in the  
19 case of a candidate for the office of Senator, the voting age  
20 population of the State of the candidate (as certified under  
21 subsection (e)).

22 (C) INCREASED LIMIT.—Except as provided in clause (ii), for  
23 purposes of subparagraph (A), if the opposition personal funds  
24 amount is over—

25 (i) 2 times the threshold amount, but not over 4 times that  
26 amount—

27 (I) the increased limit shall be 3 times the applicable  
28 limit; and

29 (II) the limit under subsection (a)(3) shall not apply  
30 with respect to any contribution made with respect to a  
31 candidate if such contribution is made under the in-  
32 creased limit of subparagraph (A) during a period in  
33 which the candidate may accept such a contribution;

34 (ii) 4 times the threshold amount, but not over 10 times  
35 that amount—

36 (I) the increased limit shall be 6 times the applicable  
37 limit; and

38 (II) the limit under subsection (a)(3) shall not apply  
39 with respect to any contribution made with respect to a  
40 candidate if such contribution is made under the in-

1                   increased limit of subparagraph (A) during a period in  
 2                   which the candidate may accept such a contribution; and  
 3                   (iii) 10 times the threshold amount—

4                   (I) the increased limit shall be 6 times the applicable  
 5                   limit;

6                   (II) the limit under subsection (a)(3) shall not apply  
 7                   with respect to any contribution made with respect to a  
 8                   candidate if such contribution is made under the in-  
 9                   creased limit of subparagraph (A) during a period in  
 10                   which the candidate may accept such a contribution; and

11                   (III) the limits under subsection (d) with respect to  
 12                   any expenditure by a State or national committee of a  
 13                   political party shall not apply.

14                   (D) OPPOSITION PERSONAL FUNDS AMOUNT.—The opposition  
 15                   personal funds amount is an amount equal to the excess (if any)  
 16                   of—

17                   (i) the greatest aggregate amount of expenditures from  
 18                   personal funds (as defined in section 1121(a)(6)(B) of this  
 19                   title) that an opposing candidate in the same election makes;  
 20                   over

21                   (ii) the aggregate amount of expenditures from personal  
 22                   funds made by the candidate with respect to the election.

23                   (E) SPECIAL RULE FOR CANDIDATE'S CAMPAIGN FUNDS.—

24                   (i) IN GENERAL.—For purposes of determining the aggre-  
 25                   gate amount of expenditures from personal funds under sub-  
 26                   paragraph (D)(ii), such amount shall include the gross re-  
 27                   ceipts advantage of the candidate's authorized committee.

28                   (ii) GROSS RECEIPTS ADVANTAGE.—For purposes of clause  
 29                   (i), the term “gross receipts advantage” means the excess (if  
 30                   any) of—

31                   (I) the aggregate amount of 50 percent of gross re-  
 32                   ceipts of a candidate's authorized committee during any  
 33                   election cycle (not including contributions from personal  
 34                   funds of the candidate) that may be expended in connec-  
 35                   tion with the election, as determined on June 30 and De-  
 36                   cember 31 of the year preceding the year in which a gen-  
 37                   eral election is held; over

38                   (II) the aggregate amount of 50 percent of gross re-  
 39                   ceipts of the opposing candidate's authorized committee  
 40                   during any election cycle (not including contributions  
 41                   from personal funds of the candidate) that may be ex-

1                    pended in connection with the election, as determined on  
 2                    June 30 and December 31 of the year preceding the year  
 3                    in which a general election is held.

4           (2) TIME TO ACCEPT CONTRIBUTIONS UNDER INCREASED LIMIT.—

5           (A) IN GENERAL.—Subject to subparagraph (B), a candidate  
 6           and the candidate's authorized committee shall not accept any  
 7           contribution, and a party committee shall not make any expendi-  
 8           ture, under the increased limit under paragraph (1)—

9           (i) until the candidate has received notification of the oppo-  
 10           sition personal funds amount under section 1121(a)(6)(B) of  
 11           this title; and

12           (ii) to the extent that such contribution, when added to the  
 13           aggregate amount of contributions previously accepted and  
 14           party expenditures previously made under the increased limits  
 15           under this subsection for the election cycle, exceeds 110 per-  
 16           cent of the opposition personal funds amount.

17           (B) EFFECT OF WITHDRAWAL OF AN OPPOSING CANDIDATE.—

18           A candidate and a candidate's authorized committee shall not ac-  
 19           cept any contribution and a party shall not make any expenditure  
 20           under the increased limit after the date on which an opposing can-  
 21           didate ceases to be a candidate to the extent that the amount of  
 22           such increased limit is attributable to such an opposing candidate.

23           (3) DISPOSAL OF EXCESS CONTRIBUTIONS.—

24           (A) IN GENERAL.—The aggregate amount of contributions  
 25           accepted by a candidate or a candidate's authorized com-  
 26           mittee under the increased limit under paragraph (1) and not  
 27           otherwise expended in connection with the election with re-  
 28           spect to which such contributions relate shall, not later than  
 29           50 days after the date of such election, be used in the manner  
 30           described in subparagraph (B).

31           (B) RETURN TO CONTRIBUTORS.—A candidate or a can-  
 32           didate's authorized committee shall return the excess con-  
 33           tribution to the person who made the contribution.

34           (j) LIMITATION ON REPAYMENT OF PERSONAL LOANS.—Any candidate  
 35           who incurs personal loans made after the effective date of the Bipartisan  
 36           Campaign Reform Act of 2002 in connection with the candidate's campaign  
 37           for election shall not repay (directly or indirectly), to the extent such loans  
 38           exceed \$250,000, such loans from any contributions made to such candidate  
 39           or any authorized committee of such candidate after the date of such elec-  
 40           tion.

1 **§ 1153. Increased limit for House candidates to allow re-**  
 2 **sponse to expenditures from personal funds**

3 (a) AVAILABILITY OF INCREASED LIMIT.—

4 (1) IN GENERAL.—Subject to paragraph (3), if the opposition per-  
 5 sonal funds amount with respect to a candidate for election to the of-  
 6 fice of Representative in, or Delegate or Resident Commissioner to,  
 7 Congress exceeds \$350,000—

8 (A) the limit under section 1152(a)(1)(A) of this title with re-  
 9 spect to the candidate shall be tripled;

10 (B) the limit under section 1152(a)(3) of this title shall not  
 11 apply with respect to any contribution made with respect to the  
 12 candidate if the contribution is made under the increased limit al-  
 13 lowed under subparagraph (A) during a period in which the can-  
 14 didate may accept such a contribution; and

15 (C) the limits under section 1152(d) of this title with respect  
 16 to any expenditure by a State or national committee of a political  
 17 party on behalf of the candidate shall not apply.

18 (2) DETERMINATION OF OPPOSITION PERSONAL FUNDS AMOUNT.—

19 (A) IN GENERAL.—The opposition personal funds amount is an  
 20 amount equal to the excess (if any) of—

21 (i) the greatest aggregate amount of expenditures from  
 22 personal funds (as defined in subsection (b)(1)) that an op-  
 23 posing candidate in the same election makes; over

24 (ii) the aggregate amount of expenditures from personal  
 25 funds made by the candidate with respect to the election.

26 (B) SPECIAL RULE FOR CANDIDATE'S CAMPAIGN FUNDS.—

27 (i) IN GENERAL.—For purposes of determining the aggre-  
 28 gate amount of expenditures from personal funds under sub-  
 29 paragraph (A), such amount shall include the gross receipts  
 30 advantage of the candidate's authorized committee.

31 (ii) GROSS RECEIPTS ADVANTAGE.—For purposes of clause  
 32 (i), the term "gross receipts advantage" means the excess (if  
 33 any) of—

34 (I) the aggregate amount of 50 percent of gross re-  
 35 ceipts of a candidate's authorized committee during any  
 36 election cycle (not including contributions from personal  
 37 funds of the candidate) that may be expended in connec-  
 38 tion with the election, as determined on June 30 and De-  
 39 cember 31 of the year preceding the year in which a gen-  
 40 eral election is held, over

(II) the aggregate amount of 50 percent of gross receipts of the opposing candidate's authorized committee during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and December 31 of the year preceding the year in which a general election is held.

(3) TIME TO ACCEPT CONTRIBUTIONS UNDER INCREASED LIMIT.—

(A) IN GENERAL.—Subject to subparagraph (B), a candidate and the candidate's authorized committee shall not accept any contribution, and a party committee shall not make any expenditure, under the increased limit under paragraph (1)—

(i) until the candidate has received notification of the opposition personal funds amount under subsection (b)(1); and

(ii) to the extent that such contribution, when added to the aggregate amount of contributions previously accepted and party expenditures previously made under the increased limits under this subsection for the election cycle, exceeds 100 percent of the opposition personal funds amount.

(B) EFFECT OF WITHDRAWAL OF AN OPPOSING CANDIDATE.—

A candidate and a candidate's authorized committee shall not accept any contribution and a party shall not make any expenditure under the increased limit after the date on which an opposing candidate ceases to be a candidate to the extent that the amount of such increased limit is attributable to such an opposing candidate.

(4) DISPOSAL OF EXCESS CONTRIBUTIONS.—

(A) IN GENERAL.—The aggregate amount of contributions accepted by a candidate or a candidate's authorized committee under the increased limit under paragraph (1) and not otherwise expended in connection with the election with respect to which such contributions relate shall, not later than 50 days after the date of such election, be used in the manner described in subparagraph (B).

(B) RETURN TO CONTRIBUTORS.—A candidate or a candidate's authorized committee shall return the excess contribution to the person who made the contribution.

(b) NOTIFICATION OF EXPENDITURES FROM PERSONAL FUNDS.—

(1) IN GENERAL.—

(A) DEFINITION OF EXPENDITURE FROM PERSONAL FUNDS.—

In this paragraph, the term "expenditure from personal funds" means—

1 (i) an expenditure made by a candidate using personal  
2 funds; and

3 (ii) a contribution or loan made by a candidate using per-  
4 sonal funds or a loan secured using such funds to the can-  
5 didate's authorized committee.

6 (B) DECLARATION OF INTENT.—Not later than the date that  
7 is 15 days after the date on which an individual becomes a can-  
8 didate for the office of Representative in, or Delegate or Resident  
9 Commissioner to, Congress, the candidate shall file a declaration  
10 stating the total amount of expenditures from personal funds that  
11 the candidate intends to make, or to obligate to make, with respect  
12 to the election that will exceed \$350,000.

13 (C) INITIAL NOTIFICATION.—Not later than 24 hours after a  
14 candidate described in subparagraph (B) makes or obligates to  
15 make an aggregate amount of expenditures from personal funds  
16 in excess of \$350,000 in connection with any election, the can-  
17 didate shall file a notification.

18 (D) ADDITIONAL NOTIFICATION.—After a candidate files an ini-  
19 tial notification under subparagraph (C), the candidate shall file  
20 an additional notification each time expenditures from personal  
21 funds are made or obligated to be made in an aggregate amount  
22 that exceeds \$10,000. Such notification shall be filed not later  
23 than 24 hours after the expenditure is made.

24 (E) CONTENTS.—A notification under subparagraph (C) or (D)  
25 shall include—

26 (i) the name of the candidate and the office sought by the  
27 candidate;

28 (ii) the date and amount of each expenditure; and

29 (iii) the total amount of expenditures from personal funds  
30 that the candidate has made, or obligated to make, with re-  
31 spect to an election as of the date of the expenditure that is  
32 the subject of the notification.

33 (F) PLACE OF FILING.—Each declaration or notification re-  
34 quired to be filed by a candidate under subparagraph (C), (D), or  
35 (E) shall be filed with—

36 (i) the Commission; and

37 (ii) each candidate in the same election and the national  
38 party of each such candidate.

39 (2) NOTIFICATION OF DISPOSAL OF EXCESS CONTRIBUTIONS.—In  
40 the next regularly scheduled report after the date of the election for  
41 which a candidate seeks nomination for election to, or election to, Fed-

1 eral office, the candidate or the candidate's authorized committee shall  
 2 submit to the Commission a report indicating the source and amount  
 3 of any excess contributions (as determined under subsection (a)) and  
 4 the manner in which the candidate or the candidate's authorized com-  
 5 mittee used such funds.

6 (3) ENFORCEMENT.—For provisions providing for the enforcement  
 7 of the reporting requirements under this subsection, see section 1134  
 8 of this title.

9 **§ 1154. Contributions or expenditures by national banks,**  
 10 **corporations, or labor organizations**

11 (a) DEFINITIONS.—In this section:

12 (1) CONTRIBUTION OR EXPENDITURE.—The term “contribution or  
 13 expenditure” includes a contribution or expenditure, as those terms are  
 14 defined in section 1101 of this title, and also includes any direct or in-  
 15 direct payment, distribution, loan, advance, deposit, or gift of money,  
 16 or any services, or anything of value (except a loan of money by a na-  
 17 tional or State bank made in accordance with the applicable banking  
 18 laws and regulations and in the ordinary course of business) to any  
 19 candidate, campaign committee, or political party or organization, in  
 20 connection with any election to any of the offices referred to in this  
 21 section or for any applicable electioneering communication (as de-  
 22 scribed in subsection (g)), but does not include—

23 (A) communications on any subject by a corporation to its  
 24 stockholders and executive or administrative personnel and their  
 25 families, or by a labor organization to its members and their fami-  
 26 lies;

27 (B) nonpartisan registration and get-out-the-vote campaigns by  
 28 a corporation aimed at its stockholders and executive or adminis-  
 29 trative personnel and their families, or by a labor organization  
 30 aimed at its members and their families; or

31 (C) the establishment and administration of, and the solicitation  
 32 of contributions to, a separate segregated fund to be utilized for  
 33 political purposes by a corporation, labor organization, member-  
 34 ship organization, cooperative, or corporation without capital  
 35 stock.

36 (2) EXECUTIVE OR ADMINISTRATIVE PERSONNEL.—The term “exec-  
 37 utive or administrative personnel” means individuals employed by a  
 38 corporation who are paid on a salary, rather than hourly, basis and  
 39 who have policymaking, managerial, professional, or supervisory re-  
 40 sponsibilities.

1           (3) LABOR ORGANIZATION.—The term “labor organization” means  
 2           any organization of any kind, or any agency or employee representation  
 3           committee or plan, in which employees participate and which exists for  
 4           the purpose, in whole or in part, of dealing with employers concerning  
 5           grievances, labor disputes, wages, rates of pay, hours of employment,  
 6           or conditions of work.

7           (b) PROHIBITION OF CERTAIN CONTRIBUTIONS AND EXPENDITURES.—  
 8           It is unlawful for any national bank, or any corporation organized by au-  
 9           thority of any law of Congress, to make a contribution or expenditure in  
 10          connection with any election to any political office, or in connection with any  
 11          primary election or political convention or caucus held to select candidates  
 12          for any political office, or for any corporation whatever, or any labor organi-  
 13          zation, to make a contribution or expenditure in connection with any elec-  
 14          tion at which presidential and vice presidential electors or a Senator or Rep-  
 15          resentative in, or a Delegate or Resident Commissioner to, Congress are to  
 16          be voted for, or in connection with any primary election or political conven-  
 17          tion or caucus held to select candidates for any of the foregoing offices, or  
 18          for any candidate, political committee, or other person knowingly to accept  
 19          or receive any contribution prohibited by this section, or any officer or any  
 20          director of any corporation or any national bank or any officer of any labor  
 21          organization to consent to any contribution or expenditure by the corpora-  
 22          tion, national bank, or labor organization, as the case may be, prohibited  
 23          by this section.

24          (c) SOLICITATION PRACTICES.—With respect to a fund described in sub-  
 25          section (a)(1)(C), it shall be unlawful—

26               (1) for such a fund to make a contribution or expenditure by uti-  
 27               lizing money or anything of value secured by physical force, job dis-  
 28               crimination, financial reprisals, or the threat of force, job discrimina-  
 29               tion, or financial reprisal; or by dues, fees, or other moneys required  
 30               as a condition of membership in a labor organization or as a condition  
 31               of employment, or by moneys obtained in any commercial transaction;

32               (2) for any person soliciting an employee for a contribution to such  
 33               a fund to fail to inform the employee of the political purposes of the  
 34               fund at the time of the solicitation; and

35               (3) for any person soliciting an employee for a contribution to such  
 36               a fund to fail to inform the employee, at the time of the solicitation,  
 37               of the employee’s right to refuse to so contribute without any reprisal.

38          (d) SOLICITATION FROM CERTAIN PERSONS.—

39               (1) IN GENERAL.—Except as provided in paragraphs (2), (3), and  
 40               (4), it shall be unlawful—

1 (A) for a corporation, or a separate segregated fund established  
 2 by a corporation, to solicit contributions to such a fund from any  
 3 person other than its stockholders and their families and its execu-  
 4 tive or administrative personnel and their families; and

5 (B) for a labor organization, or a separate segregated fund es-  
 6 tablished by a labor organization, to solicit contributions to such  
 7 a fund from any person other than its members and their families.

8 (2) TWICE PER YEAR SOLICITATIONS BY CORPORATIONS AND LABOR  
 9 ORGANIZATIONS.—It shall not be unlawful under this section for a cor-  
 10 poration, a labor organization, or a separate segregated fund estab-  
 11 lished by a corporation or labor organization, to make 2 written solici-  
 12 tations for contributions during the calendar year from any stock-  
 13 holder, executive or administrative personnel, or employee of a corpora-  
 14 tion or the families of such persons. A solicitation under this paragraph  
 15 may be made only by mail addressed to stockholders, executive or ad-  
 16 ministrative personnel, or employees at their residence and shall be so  
 17 designed that the corporation, labor organization, or separate seg-  
 18 regated fund conducting the solicitation cannot determine who makes  
 19 a contribution of \$50 or less as a result of the solicitation and who  
 20 does not make such a contribution.

21 (3) MEMBERSHIP ORGANIZATIONS, COOPERATIVES, AND CORPORA-  
 22 TIONS WITHOUT CAPITAL STOCK.—This subsection shall not prevent a  
 23 membership organization, cooperative, or corporation without capital  
 24 stock, or a separate segregated fund established by a membership orga-  
 25 nization, cooperative, or corporation without capital stock, from solie-  
 26 iting contributions to such a fund from members of such organization,  
 27 cooperative, or corporation without capital stock.

28 (4) TRADE ASSOCIATIONS.—This subsection shall not prevent a trade  
 29 association or a separate segregated fund established by a trade asso-  
 30 ciation from soliciting contributions from the stockholders and execu-  
 31 tive or administrative personnel of the member corporations of such  
 32 trade association and the families of such stockholders or personnel to  
 33 the extent that such solicitation of such stockholders and personnel,  
 34 and their families, has been separately and specifically approved by the  
 35 member corporation involved, and such member corporation does not  
 36 approve any such solicitation by more than one such trade association  
 37 in any calendar year.

38 (e) METHODS OF SOLICITATION PERMITTED TO CORPORATIONS ALSO TO  
 39 BE PERMITTED TO LABOR ORGANIZATIONS.—Notwithstanding any other  
 40 law, any method of soliciting voluntary contributions or of facilitating the  
 41 making of voluntary contributions to a separate segregated fund established

1 by a corporation, permitted by law to corporations with regard to stock-  
 2 holders and executive or administrative personnel, shall also be permitted  
 3 to labor organizations with regard to their members.

4 (f) SHARING METHODS OF SOLICITATION.—Any corporation, including  
 5 its subsidiaries, branches, divisions, and affiliates, that utilizes a method of  
 6 soliciting voluntary contributions or facilitating the making of voluntary  
 7 contributions, shall make available such method, on written request and at  
 8 a cost sufficient only to reimburse the corporation for the expenses incurred  
 9 thereby, to a labor organization representing any members working for such  
 10 corporation, its subsidiaries, branches, divisions, and affiliates.

11 (g) RULES RELATING TO ELECTIONEERING COMMUNICATIONS.—

12 (1) DEFINITION OF SECTION 501(c)(4) ORGANIZATION.—In this sub-  
 13 section, the term “section 501(c)(4) organization” means—

14 (A) an organization described in section 501(c)(4) of the Inter-  
 15 nal Revenue Code of 1986 (26 U.S.C. 501(c)(4)) and exempt from  
 16 taxation under section 501(a) of the Internal Revenue Code of  
 17 1986 (26 U.S.C. 501(a)); or

18 (B) an organization that has submitted an application to the In-  
 19 ternal Revenue Service for determination of its status as an orga-  
 20 nization described in subparagraph (A).

21 (2) APPLICABLE ELECTIONEERING COMMUNICATION.—

22 (A) IN GENERAL.—In this section, the term “applicable elec-  
 23 tioneering communication” means an electioneering communica-  
 24 tion (within the meaning of section 1121(f)(2) of this title) which  
 25 is made by any entity described in subsection (b) or by any other  
 26 person using funds donated by an entity described in subsection  
 27 (b).

28 (B) SPECIAL OPERATING RULE.—An electioneering communica-  
 29 tion shall be treated as made by an entity described in subsection  
 30 (b) if an entity described in subsection (b) directly or indirectly  
 31 disburses any amount for any of the costs of the communication.

32 (3) EXCEPTION.—

33 (A) IN GENERAL.—Notwithstanding paragraph (2)(A), the term  
 34 “applicable electioneering communication” does not include a com-  
 35 munication by a section 501(c)(4) organization or a political orga-  
 36 nization (as defined in section 527(e) of the Internal Revenue  
 37 Code of 1986 (26 U.S.C. 527(e))) made under section  
 38 1121(f)(4)(E) or (F) of this title if the communication is paid for  
 39 exclusively by funds provided directly by individuals who are  
 40 United States citizens or nationals or lawfully admitted for perma-  
 41 nent residence (as defined in section 101(a) of the Immigration

1 and Nationality Act (8 U.S.C. 1101(a))). In the preceding sen-  
 2 tence, the term “provided directly by individuals” does not include  
 3 funds the source of which is an entity described in subsection (b).

4 (B) SPECIAL OPERATING RULE.—A section 501(c)(4) organiza-  
 5 tion that derives amounts from business activities or receives  
 6 funds from any entity described in subsection (b) shall be consid-  
 7 ered to have paid for any communication out of such amounts un-  
 8 less such organization paid for the communication out of a seg-  
 9 regated account to which only individuals can contribute, as de-  
 10 scribed in section 1121(f)(4)(E) of this title.

11 (C) EXCEPTION TO THE EXCEPTION IN THE CASE OF TAR-  
 12 GETED COMMUNICATIONS.—

13 (i) DEFINITION OF TARGETED COMMUNICATION.—In clause  
 14 (ii), the term “targeted communication” means an election-  
 15 eering communication (as defined in section 1121(f)(2) of  
 16 this title) that is distributed from a television or radio broad-  
 17 cast station or provider of cable or satellite television service  
 18 and, in the case of a communication which refers to a can-  
 19 didate for an office other than President or Vice President,  
 20 is targeted to the relevant electorate. A communication is  
 21 “targeted to the relevant electorate” if it meets the require-  
 22 ments described in section 1121(f)(2)(C) of this title.

23 (ii) EXCEPTION DOES NOT APPLY.—Subparagraph (A) does  
 24 not apply in the case of a targeted communication that is  
 25 made by an organization described in that subparagraph.

26 (4) CONTRACTS TO MAKE DISBURSEMENTS.—For purposes of this  
 27 subsection, a person shall be treated as having made a disbursement  
 28 if the person has executed a contract to make the disbursement.

29 (5) COORDINATION WITH INTERNAL REVENUE CODE OF 1986.—  
 30 Nothing in this subsection shall be construed to authorize an organiza-  
 31 tion exempt from taxation under section 501(a) of the Internal Rev-  
 32 enue Code of 1986 (26 U.S.C. 501(a)) to carry out any activity which  
 33 is prohibited under the Internal Revenue Code of 1986 (26 U.S.C. 1  
 34 et seq.).

### 35 **§ 1155. Contributions by government contractors**

36 (a) DEFINITION OF LABOR ORGANIZATION.—In this section, the term  
 37 “labor organization” has the meaning given the term in section 1154(a) of  
 38 this title.

39 (b) PROHIBITION.—It shall be unlawful for any person—

40 (1) who enters into any contract with the United States or any de-  
 41 partment or agency thereof, either for the rendition of personal services

1 or furnishing any material, supplies, or equipment to the United States  
 2 or any department or agency thereof or for selling any land or building  
 3 to the United States or any department or agency thereof, if payment  
 4 for the performance of such contract or payment for such material,  
 5 supplies, equipment, land, or building is to be made in whole or in part  
 6 from funds appropriated by Congress, at any time between the com-  
 7 mencement of negotiations for, and the later of (A) the completion of  
 8 performance under, or (B) the termination of negotiations for, such  
 9 contract or furnishing of material, supplies, equipment, land, or build-  
 10 ings, directly or indirectly to make any contribution of money or other  
 11 things of value, or to promise expressly or impliedly to make any such  
 12 contribution to any political party, committee, or candidate for public  
 13 office or to any person for any political purpose or use; or

14 (2) knowingly to solicit any such contribution from any such person  
 15 for any such purpose during any such period.

16 (c) SEPARATE SEGREGATED FUNDS.—This section does not prohibit or  
 17 make unlawful the establishment or administration of, or the solicitation of  
 18 contributions to, any separate segregated fund by any corporation, labor or-  
 19 ganization, membership organization, cooperative, or corporation without  
 20 capital stock for the purpose of influencing the nomination for election, or  
 21 election, of any person to Federal office, unless the provisions of section  
 22 1154 of this title prohibit or make unlawful the establishment or adminis-  
 23 tration of, or the solicitation of contributions to, such fund. Each specific  
 24 prohibition, allowance, and duty applicable to a corporation, labor organiza-  
 25 tion, or separate segregated fund under section 1154 of this title applies  
 26 to a corporation, labor organization, or separate segregated fund to which  
 27 this subsection applies.

28 **§ 1156. Publication and distribution of statements and so-**  
 29 **licitations**

30 (a) GENERAL REQUIREMENTS FOR IDENTIFICATION OF FUNDING AND  
 31 AUTHORIZING SOURCES.—Whenever a political committee makes a dis-  
 32 bursement for the purpose of financing any communication through any  
 33 broadcasting station, newspaper, magazine, outdoor advertising facility,  
 34 mailing, or any other type of general public political advertising, or when-  
 35 ever any person makes a disbursement for the purpose of financing commu-  
 36 nications expressly advocating the election or defeat of a clearly identified  
 37 candidate, or solicits any contribution through any broadcasting station,  
 38 newspaper, magazine, outdoor advertising facility, mailing, or any other type  
 39 of general public political advertising or makes a disbursement for an elec-  
 40 tioneering communication (as defined in section 1121(f)(2) of this title),  
 41 such communication—

1 (1) if paid for and authorized by a candidate, an authorized political  
 2 committee of a candidate, or its agents, shall clearly state that the  
 3 communication has been paid for by such authorized political com-  
 4 mittee;

5 (2) if paid for by other persons but authorized by a candidate, an  
 6 authorized political committee of a candidate, or its agents, shall clear-  
 7 ly state that the communication is paid for by such other persons and  
 8 authorized by such authorized political committee; or

9 (3) if not authorized by a candidate, an authorized political com-  
 10 mittee of a candidate, or its agents, shall clearly state the name and  
 11 permanent street address, telephone number, or World Wide Web ad-  
 12 dress of the person who paid for the communication and state that the  
 13 communication is not authorized by any candidate or candidate's com-  
 14 mittee.

15 (b) ADDITIONAL REQUIREMENTS RELATED TO PRINTED COMMUNICA-  
 16 TION.—Any printed communication described in paragraph (1), (2), or (3)  
 17 of subsection (a) shall—

18 (1) be of sufficient type size to be clearly readable by the recipient  
 19 of the communication;

20 (2) be contained in a printed box set apart from the other contents  
 21 of the communication; and

22 (3) be printed with a reasonable degree of color contrast between the  
 23 background and the printed statement.

24 (c) ADDITIONAL REQUIREMENTS RELATED TO COMMUNICATION BY  
 25 RADIO OR TELEVISION.—

26 (1) COMMUNICATION BY CANDIDATES OR AUTHORIZED PERSONS.—

27 (A) BY RADIO.—Any communication described in paragraph (1)  
 28 or (2) of subsection (a) which is transmitted through radio shall  
 29 include, in addition to the requirements of that paragraph, an  
 30 audio statement by the candidate that identifies the candidate and  
 31 states that the candidate has approved the communication.

32 (B) BY TELEVISION.—Any communication described in para-  
 33 graph (1) or (2) of subsection (a) which is transmitted through  
 34 television shall include, in addition to the requirements of that  
 35 paragraph, a statement that identifies the candidate and states  
 36 that the candidate has approved the communication. Such state-  
 37 ment—

38 (i) shall be conveyed by—

39 (I) an unobscured, full-screen view of the candidate  
 40 making the statement; or

1 (II) the candidate in voice-over, accompanied by a  
 2 clearly identifiable photographic or similar image of the  
 3 candidate; and

4 (ii) shall also appear in writing at the end of the commu-  
 5 nication in a clearly readable manner with a reasonable de-  
 6 gree of color contrast between the background and the print-  
 7 ed statement, for a period of at least 4 seconds.

8 (2) COMMUNICATIONS BY OTHERS.—Any communication described in  
 9 paragraph (3) of subsection (a) which is transmitted through radio or  
 10 television shall include, in addition to the requirements of that para-  
 11 graph, in a clearly spoken manner, the following audio statement:  
 12 “\_\_\_\_\_ is responsible for the content of this advertising.”  
 13 (with the blank to be filled in with the name of the political committee  
 14 or other person paying for the communication and the name of any  
 15 connected organization of the payor). If transmitted through television,  
 16 the statement shall be conveyed by an unobscured, full-screen view of  
 17 a representative of the political committee or other person making the  
 18 statement, or by a representative of such political committee or other  
 19 person in voice-over, and shall also appear in a clearly readable manner  
 20 with a reasonable degree of color contrast between the background and  
 21 the printed statement, for a period of at least 4 seconds.

22 (d) CHARGE FOR NEWSPAPER OR MAGAZINE SPACE.—No person who  
 23 sells space in a newspaper or magazine to a candidate or to the agent of  
 24 a candidate, for use in connection with such candidate’s campaign, may  
 25 charge any amount for such space which exceeds the amount charged for  
 26 comparable use of such space for other purposes.

27 **§ 1157. Contributions and donations by foreign nationals**

28 (a) DEFINITION OF FOREIGN NATIONAL.—In this section, the term “for-  
 29 eign national” means—

30 (1) a foreign principal (as defined in section 1 of the Foreign Agents  
 31 Registration Act of 1938 (22 U.S.C. 611)), except that the term “for-  
 32 eign national” shall not include any individual who is a citizen of the  
 33 United States; or

34 (2) an individual—

35 (A) who is not a citizen of the United States or a national of  
 36 the United States (as defined in section 101(a) of the Immigration  
 37 and Nationality Act (8 U.S.C. 1101(a))); and

38 (B) who is not lawfully admitted for permanent residence (as  
 39 defined in section 101(a) of the Immigration and Nationality Act  
 40 (8 U.S.C. 1101(a))).

41 (b) PROHIBITION.—It shall be unlawful for—

1 (1) a foreign national, directly or indirectly, to make—

2 (A) a contribution or donation of money or other thing of value,  
3 or to make an express or implied promise to make a contribution  
4 or donation, in connection with a Federal, State, or local election;

5 (B) a contribution or donation to a committee of a political  
6 party; or

7 (C) an expenditure, independent expenditure, or disbursement  
8 for an electioneering communication (within the meaning of sec-  
9 tion 1121(f)(2) of this title); or

10 (2) a person to solicit, accept, or receive a contribution or donation  
11 described in subparagraph (A) or (B) of paragraph (1) from a foreign  
12 national.

13 **§ 1158. Contributions in name of another prohibited**

14 No person shall make a contribution in the name of another person or  
15 knowingly permit his or her name to be used to effect such a contribution,  
16 and no person shall knowingly accept a contribution made by one person  
17 in the name of another person.

18 **§ 1159. Limitation on contribution of currency**

19 No person shall make contributions of currency of the United States or  
20 currency of any foreign country to or for the benefit of any candidate which,  
21 in the aggregate, exceed \$100, with respect to any campaign of such can-  
22 didate for nomination for election, or for election, to Federal office.

23 **§ 1160. Soft money of political parties**

24 (a) NATIONAL COMMITTEES.—

25 (1) IN GENERAL.—A national committee of a political party (includ-  
26 ing a national congressional campaign committee of a political party)  
27 may not solicit, receive, or direct to another person a contribution, do-  
28 nation, or transfer of funds or any other thing of value, or spend any  
29 funds, that are not subject to the limitations, prohibitions, and report-  
30 ing requirements of this chapter.

31 (2) APPLICABILITY.—The prohibition established by paragraph (1)  
32 applies to any such national committee, any officer or agent acting on  
33 behalf of such a national committee, and any entity that is directly or  
34 indirectly established, financed, maintained, or controlled by such a na-  
35 tional committee.

36 (b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

37 (1) IN GENERAL.—Except as provided in paragraph (2), an amount  
38 that is expended or disbursed for Federal election activity by a State,  
39 district, or local committee of a political party (including an entity that  
40 is directly or indirectly established, financed, maintained, or controlled  
41 by a State, district, or local committee of a political party and an offi-

1 cer or agent acting on behalf of such committee or entity), or by an  
 2 association or similar group of candidates for State or local office or  
 3 of individuals holding State or local office, shall be made from funds  
 4 subject to the limitations, prohibitions, and reporting requirements of  
 5 this chapter.

6 (2) APPLICABILITY.—

7 (A) IN GENERAL.—Notwithstanding clause (i) or (ii) of section  
 8 1101(10)(A) of this title, and subject to subparagraph (B), para-  
 9 graph (1) shall not apply to any amount expended or disbursed  
 10 by a State, district, or local committee of a political party for an  
 11 activity described in either such clause to the extent the amounts  
 12 expended or disbursed for such activity are allocated (under regu-  
 13 lations prescribed by the Commission) among amounts—

14 (i) which consist solely of contributions subject to the limi-  
 15 tations, prohibitions, and reporting requirements of this chap-  
 16 ter (other than amounts described in subparagraph (B)(iii));  
 17 and

18 (ii) other amounts which are not subject to the limitations,  
 19 prohibitions, and reporting requirements of this chapter  
 20 (other than any requirements of this subsection).

21 (B) CONDITIONS.—Subparagraph (A) shall only apply if—

22 (i) the activity does not refer to a clearly identified candi-  
 23 date for Federal office;

24 (ii) the amounts expended or disbursed are not for the  
 25 costs of any broadcasting, cable, or satellite communication,  
 26 other than a communication which refers solely to a clearly  
 27 identified candidate for State or local office;

28 (iii) the amounts expended or disbursed which are de-  
 29 scribed in subparagraph (A)(ii) are paid from amounts which  
 30 are donated in accordance with State law and which meet the  
 31 requirements of subparagraph (C), except that no person (in-  
 32 cluding any person established, financed, maintained, or con-  
 33 trolled by such person) may donate more than \$10,000 to a  
 34 State, district, or local committee of a political party in a cal-  
 35 endar year for such expenditures or disbursements; and

36 (iv) the amounts expended or disbursed are made solely  
 37 from funds raised by the State, local, or district committee  
 38 which makes such expenditure or disbursement, and do not  
 39 include any funds provided to such committee from—

40 (I) any other State, local, or district committee of any  
 41 State party;

1 (II) the national committee of a political party (includ-  
2 ing a national congressional campaign committee of a  
3 political party);

4 (III) any officer or agent acting on behalf of any com-  
5 mittee described in subclause (I) or (II); or

6 (IV) any entity directly or indirectly established, fi-  
7 nanced, maintained, or controlled by any committee de-  
8 scribed in subclause (I) or (II).

9 (C) PROHIBITING INVOLVEMENT OF NATIONAL PARTIES, FED-  
10 ERAL CANDIDATES AND OFFICEHOLDERS, AND STATE PARTIES  
11 ACTING JOINTLY.—Notwithstanding subsection (e) (other than  
12 subsection (e)(3)), amounts specifically authorized to be spent  
13 under subparagraph (B)(iii) meet the requirements of this sub-  
14 paragraph only if the amounts—

15 (i) are not solicited, received, directed, transferred, or spent  
16 by or in the name of any person described in subsection (a)  
17 or (e); and

18 (ii) are not solicited, received, or directed through fund-  
19 raising activities conducted jointly by 2 or more State, local,  
20 or district committees of any political party or their agents,  
21 or by a State, local, or district committee of a political party  
22 on behalf of the State, local, or district committee of a polit-  
23 ical party or its agent in one or more other States.

24 (e) FUNDRAISING COSTS.—An amount spent by a person described in  
25 subsection (a) or (b) to raise funds that are used, in whole or in part, for  
26 expenditures and disbursements for a Federal election activity shall be made  
27 from funds subject to the limitations, prohibitions, and reporting require-  
28 ments of this chapter.

29 (d) TAX-EXEMPT ORGANIZATIONS.—A national, State, district, or local  
30 committee of a political party (including a national congressional campaign  
31 committee of a political party), an entity that is directly or indirectly estab-  
32 lished, financed, maintained, or controlled by any such national, State, dis-  
33 trict, or local committee or its agent, and an officer or agent acting on be-  
34 half of any such party committee or entity, shall not solicit any funds for,  
35 or make or direct any donations to—

36 (1) an organization that is described in section 501(e) of the Internal  
37 Revenue Code of 1986 (26 U.S.C. 501(e)) and exempt from taxation  
38 under section 501(a) of the Internal Revenue Code of 1986 (26 U.S.C.  
39 501(a)) (or has submitted an application for determination of tax ex-  
40 empt status under such section) and that makes expenditures or dis-

1 bursements in connection with an election for Federal office (including  
2 expenditures or disbursements for Federal election activity); or

3 (2) an organization described in section 527 of the Internal Revenue  
4 Code of 1986 (26 U.S.C. 527) (other than a political committee, a  
5 State, district, or local committee of a political party, or the authorized  
6 campaign committee of a candidate for State or local office).

7 (e) FEDERAL CANDIDATES.—

8 (1) IN GENERAL.—A candidate, individual holding Federal office,  
9 agent of a candidate or an individual holding Federal office, or an enti-  
10 ty directly or indirectly established, financed, maintained or controlled  
11 by or acting on behalf of one or more candidates or individuals holding  
12 Federal office, shall not—

13 (A) solicit, receive, direct, transfer, or spend funds in connection  
14 with an election for Federal office, including funds for any Federal  
15 election activity, unless the funds are subject to the limitations,  
16 prohibitions, and reporting requirements of this chapter; or

17 (B) solicit, receive, direct, transfer, or spend funds in connection  
18 with any election other than an election for Federal office or dis-  
19 burse funds in connection with such an election unless the funds—

20 (i) are not in excess of the amounts permitted with respect  
21 to contributions to candidates and political committees under  
22 paragraphs (1), (2), and (3) of section 1152(a) of this title;  
23 and

24 (ii) are not from sources prohibited by this chapter from  
25 making contributions in connection with an election for Fed-  
26 eral office.

27 (2) STATE LAW.—Paragraph (1) does not apply to the solicitation,  
28 receipt, or spending of funds by an individual described in such para-  
29 graph who is or was also a candidate for a State or local office solely  
30 in connection with such election for State or local office if the solicita-  
31 tion, receipt, or spending of funds is permitted under State law and  
32 refers only to such State or local candidate, or to any other candidate  
33 for the State or local office sought by such candidate, or both.

34 (3) FUNDRAISING EVENTS.—Notwithstanding paragraph (1) or sub-  
35 section (b)(2)(C), a candidate or an individual holding Federal office  
36 may attend, speak, or be a featured guest at a fundraising event for  
37 a State, district, or local committee of a political party.

38 (4) PERMITTING CERTAIN SOLICITATIONS.—

39 (A) GENERAL SOLICITATIONS.—Notwithstanding any other pro-  
40 vision of this subsection, an individual described in paragraph (1)  
41 may make a general solicitation of funds on behalf of any organi-

1 zation that is described in section 501(c) of the Internal Revenue  
 2 Code of 1986 (26 U.S.C. 501(c)) and exempt from taxation under  
 3 section 501(a) of the Internal Revenue Code of 1986 (26 U.S.C.  
 4 501(a)) (or has submitted an application for determination of tax  
 5 exempt status under such section) (other than an entity whose  
 6 principal purpose is to conduct activities described in clauses (i)  
 7 and (ii) of section 1101(10)(A) of this title) where such solicita-  
 8 tion does not specify how the funds will or should be spent.

9 (B) CERTAIN SPECIFIC SOLICITATIONS.—In addition to the gener-  
 10 al solicitations permitted under subparagraph (A), an individual  
 11 described in paragraph (1) may make a solicitation explicitly to  
 12 obtain funds for carrying out the activities described in clauses (i)  
 13 and (ii) of section 1101(10)(A) of this title, or for an entity whose  
 14 principal purpose is to conduct such activities, if—

15 (i) the solicitation is made only to individuals; and

16 (ii) the amount solicited from any individual during any  
 17 calendar year does not exceed \$20,000.

18 (f) STATE CANDIDATES.—

19 (1) IN GENERAL.—A candidate for State or local office, individual  
 20 holding State or local office, or an agent of such a candidate or indi-  
 21 vidual may not spend any funds for a communication described in sec-  
 22 tion 1101(10)(A)(iii) of this title unless the funds are subject to the  
 23 limitations, prohibitions, and reporting requirements of this chapter.

24 (2) EXCEPTION FOR CERTAIN COMMUNICATIONS.—Paragraph (1)  
 25 shall not apply to an individual described in such paragraph if the com-  
 26 munication involved is in connection with an election for such State or  
 27 local office and refers only to such individual or to any other candidate  
 28 for the State or local office held or sought by such individual, or both.

29 **§ 1161. Prohibition of contributions by minors**

30 An individual who is 17 years old or younger shall not make a contribu-  
 31 tion to a candidate or a contribution or donation to a committee of a polit-  
 32 ical party.

33 **§ 1162. Prohibition against use of certain Federal funds for**  
 34 **election activities**

35 No part of any funds appropriated to carry out the Native American Pro-  
 36 grams Act of 1974 (42 U.S.C. 2991 et seq.) or title X of the Economic  
 37 Opportunity Act of 1964 (42 U.S.C. 2996 et seq.) shall be used to finance,  
 38 directly or indirectly, any activity designed to influence the outcome of any  
 39 election to Federal office or any voter registration activity.

## SUBCHAPTER VI—FRAUDULENT MISREPRESENTATION

**§ 1171. Fraudulent misrepresentation of campaign authority**

(a) IN GENERAL.—No person who is a candidate for Federal office or an employee or agent of such a candidate shall—

(1) fraudulently misrepresent the person or any committee or organization under the person's control as speaking or writing or otherwise acting for or on behalf of any other candidate or political party or employee or agent thereof on a matter which is damaging to such other candidate or political party or employee or agent thereof; or

(2) willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraph (1).

(b) FRAUDULENT SOLICITATION OF FUNDS.—No person shall—

(1) fraudulently misrepresent the person as speaking, writing, or otherwise acting for or on behalf of any candidate or political party or employee or agent thereof for the purpose of soliciting contributions or donations; or

(2) willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraph (1).

## SUBCHAPTER VII—ADMINISTRATIVE PROVISIONS

**§ 1181. Authority of the Secretary of the Senate to procure services and incur travel expenses**

(a) IN GENERAL.—For the purpose of carrying out duties under this chapter, the Secretary of the Senate is authorized—

(1) to procure technical support services;

(2) to procure the temporary or intermittent services of individual technicians, experts, or consultants, or organizations thereof, in the same manner and under the same conditions, to the extent applicable, as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i));

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency; and

(4) to incur official travel expenses.

(b) PAYMENTS.—Payments to carry out this section shall be made from funds included in the appropriation “Miscellaneous Items” under the heading “Contingent Expenses of the Senate” upon vouchers approved by the Secretary of the Senate. All sums received by the Secretary under authority of this chapter shall be covered into the Treasury as miscellaneous receipts.

1 **§ 1182. Extension of credit by regulated industries**

2 The Secretary of Transportation, the Federal Communications Commis-  
 3 sion, and the Surface Transportation Board shall each maintain its own  
 4 regulations with respect to the extension of credit, without security, by any  
 5 person regulated by the Secretary under subpart II of part A of subtitle  
 6 VII of title 49, or such Commission or Board, to any candidate for Federal  
 7 office, or to any person on behalf of such a candidate, for goods furnished  
 8 or services rendered in connection with the campaign of such candidate for  
 9 nomination for election, or election, to such office.

10 **§ 1183. State laws affected**

11 (a) IN GENERAL.—Subject to subsection (b), this chapter, and rules pre-  
 12 scribed under this chapter, supersede and preempt any provision of State  
 13 law with respect to election to Federal office.

14 (b) STATE AND LOCAL COMMITTEES OF POLITICAL PARTIES.—Notwith-  
 15 standing any other provision of this chapter, a State or local committee of  
 16 a political party may, subject to State law, use exclusively funds that are  
 17 not subject to the prohibitions, limitations, and reporting requirements of  
 18 this chapter for the purchase or construction of an office building for such  
 19 State or local committee.

20 **§ 1184. Partial invalidity**

21 If any provision of this chapter, or the application thereof to any person  
 22 or circumstance, is held invalid, the validity of the remainder of this chapter  
 23 and the application of such provision to other persons and circumstances  
 24 shall not be affected thereby.

25 **§ 1185. Period of limitations**

26 (a) FIVE-YEAR PERIOD.—No person shall be prosecuted, tried, or pun-  
 27 ished for any violation of a provision described in subsection (b), unless the  
 28 indictment is found or the information is instituted within 5 years after the  
 29 date of the violation.

30 (b) DESCRIBED PROVISIONS.—The provisions referred to in subsection  
 31 (a) are sections 1101, 1111, 1112, 1121 to 1123, 1131 to 1136, 1151 to  
 32 1161, and 1171 of this title.

33 **CHAPTER 13—ELECTION ADMINISTRATION**

34 **IMPROVEMENT**

SUBCHAPTER I—GENERAL

Sec.

1301. Definitions.

SUBCHAPTER II—ELECTION ASSISTANCE COMMISSION

PART A—GENERAL

1305. Definitions applicable to subchapter.

PART B—ESTABLISHMENT AND GENERAL ORGANIZATION

SUBPART 1—ELECTION ASSISTANCE COMMISSION

1311. Establishment.

- 1312. Duties.
- 1313. Membership and appointment.
- 1314. Staff.
- 1315. Powers.
- 1316. Dissemination of information.
- 1317. Annual report.
- 1318. Requiring majority approval for actions.
- 1319. Limitation on rulemaking authority.

SUBPART 2—ELECTION ASSISTANCE COMMISSION STANDARDS BOARD AND BOARD OF ADVISORS

- 1325. Establishment.
- 1326. Duties.
- 1327. Membership of Standards Board.
- 1328. Membership of Board of Advisors.
- 1329. Powers of Boards.
- 1330. Status of Boards and members for purposes of claims against Board.

SUBPART 3—TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE

- 1335. Definition of Development Committee.
- 1336. Technical Guidelines Development Committee.
- 1337. Process for adoption.

PART C—TESTING, CERTIFICATION, DECERTIFICATION, AND RECERTIFICATION OF VOTING SYSTEM HARDWARE AND SOFTWARE

- 1341. Certification and testing of voting systems.

PART D—STUDIES AND OTHER ACTIVITIES TO PROMOTE EFFECTIVE ADMINISTRATION OF FEDERAL ELECTIONS

- 1345. Periodic studies of election administration issues.
- 1346. Consultation with Standards Board and Board of Advisors.

PART E—ELECTION ASSISTANCE

SUBPART 1—DEFINITION

- 1351. Definition of chief State election official.

SUBPART 2—REQUIREMENTS PAYMENTS

- 1355. Requirements payments.
- 1356. Allocation of funds.
- 1357. Condition for receipt of funds.
- 1358. State plan.
- 1359. Development and publication of plan.
- 1360. Requirement for public notice and comment.
- 1361. Reports.

SUBPART 3—PAYMENTS TO STATES AND UNITS OF LOCAL GOVERNMENT TO ASSURE ACCESS FOR INDIVIDUALS WITH DISABILITIES

- 1365. Definition of Secretary.
- 1366. Payments to States and units of local government to assure access for individuals with disabilities.
- 1367. Amount of payment.
- 1368. Requirements for eligibility.
- 1369. Reports.

SUBPART 4—GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS

- 1371. Grants for research on voting technology improvements.
- 1372. Report.

SUBPART 5—PILOT PROGRAM FOR TESTING OF EQUIPMENT AND TECHNOLOGY

- 1375. Pilot program.
- 1376. Report.

SUBPART 6—PROTECTION AND ADVOCACY SYSTEMS

- 1381. Payments for protection and advocacy systems.
- 1382. Authorization of appropriations.

SUBPART 7—NATIONAL STUDENT AND PARENT MOCK ELECTION

- 1385. Grants for voter education activities.
- 1386. Authorization of appropriations.

SUBCHAPTER III—UNIFORM AND NONDISCRIMINATORY ELECTION  
TECHNOLOGY AND ADMINISTRATION REQUIREMENTS

PART A—REQUIREMENTS

1391. Voting systems standards.  
1392. Provisional voting and voting information requirements.  
1393. Computerized statewide voter registration list requirements and requirements for voters who register by mail.  
1394. Minimum requirements.  
1395. Methods of implementation left to discretion of State.

PART B—VOLUNTARY GUIDANCE

1401. Adoption of voluntary guidance by Commission.  
1402. Process for adoption.

SUBCHAPTER IV—ENFORCEMENT

1405. Actions by the Attorney General for declaratory and injunctive relief.  
1406. Establishment of State-based administrative complaint procedures to remedy grievances.

SUBCHAPTER V—HELP AMERICA VOTE COLLEGE PROGRAM

1411. Definition of Program.  
1412. Establishment of Program.  
1413. Activities under Program.  
1414. Authorization of appropriations.

SUBCHAPTER VI—MISCELLANEOUS PROVISIONS

1421. Audits and repayment of funds.  
1422. Criminal penalties.  
1423. No effect on other provisions.

SUBCHAPTER I—GENERAL

**§ 1301. Definitions**

In this chapter:

(1) COMMISSION.—The term “Commission” means the Election Assistance Commission established under section 1311(a) of this title.

(2) STATE.—The term “State” includes the District of Columbia, Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

SUBCHAPTER II—ELECTION ASSISTANCE COMMISSION

PART A—GENERAL

**§ 1305. Definitions applicable to subchapter**

In this subchapter:

(1) BOARD OF ADVISORS.—The term “Board of Advisors” means the Election Assistance Commission Board of Advisors established under section 1325(b) of this title.

(2) STANDARDS BOARD.—The term “Standards Board” means the Election Assistance Commission Standards Board established under section 1325(a) of this title.

PART B—ESTABLISHMENT AND GENERAL ORGANIZATION

SUBPART 1—ELECTION ASSISTANCE COMMISSION

**§ 1311. Establishment**

(a) ELECTION ASSISTANCE COMMISSION.—There is established as an independent entity the Election Assistance Commission, consisting of the members appointed under this subpart.

1 (b) ELECTION ASSISTANCE COMMISSION STANDARDS BOARD.—There is  
2 established, under subpart 2, the Election Assistance Commission Standards  
3 Board (including the Executive Board of such Board).

4 (c) ELECTION ASSISTANCE COMMISSION BOARD OF ADVISORS.—There is  
5 established, under subpart 2, the Election Assistance Commission Board of  
6 Advisors.

7 (d) TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.—There is es-  
8 tablished, under subpart 3, the Technical Guidelines Development Com-  
9 mittee.

### 10 **§ 1312. Duties**

11 The Commission shall serve as a national clearinghouse and resource for  
12 the compilation of information and review of procedures with respect to the  
13 administration of Federal elections by—

14 (1) carrying out the duties described in subpart 3 (relating to the  
15 adoption of voluntary voting system guidelines), including the mainte-  
16 nance of a clearinghouse of information on the experiences of State and  
17 local governments in implementing the guidelines and in operating vot-  
18 ing systems in general;

19 (2) carrying out the duties described in part C (relating to the test-  
20 ing, certification, decertification, and recertification of voting system  
21 hardware and software);

22 (3) carrying out the duties described in part D (relating to con-  
23 ducting studies and carrying out other activities to promote the effec-  
24 tive administration of Federal elections);

25 (4) carrying out the duties described in part E (relating to election  
26 assistance), and providing information and training on the management  
27 of the payments and grants provided under such part;

28 (5) carrying out the duties described in part B of subchapter III (re-  
29 lating to the adoption of voluntary guidance); and

30 (6) developing and carrying out the Help America Vote College Pro-  
31 gram under subchapter V.

### 32 **§ 1313. Membership and appointment**

33 (a) MEMBERSHIP.—

34 (1) IN GENERAL.—The Commission shall have 4 members appointed  
35 by the President, by and with the advice and consent of the Senate.

36 (2) RECOMMENDATIONS.—Before the initial appointment of the  
37 members of the Commission and before the appointment of any indi-  
38 vidual to fill a vacancy on the Commission, the Majority Leader of the  
39 Senate, the Speaker of the House of Representatives, the Minority  
40 Leader of the Senate, and the Minority Leader of the House of Rep-  
41 resentatives shall each submit to the President a candidate rec-

1           ommendation with respect to each vacancy on the Commission affli-  
2           ated with the political party of the Member of Congress involved.

3           (3) QUALIFICATIONS.—Each member of the Commission shall have  
4           experience with or expertise in election administration or the study of  
5           elections.

6           (b) TERM OF SERVICE.—

7           (1) IN GENERAL.—Except as provided in paragraphs (2) and (3),  
8           members shall serve for a term of 4 years and may be reappointed for  
9           not more than one additional term.

10          (2) TERMS OF INITIAL APPOINTEES.—As designated by the Presi-  
11          dent at the time of nomination, of the members first appointed—

12           (A) 2 of the members (not more than one of whom may be af-  
13           filiated with the same political party) shall be appointed for a term  
14           of 2 years; and

15           (B) 2 of the members (not more than one of whom may be af-  
16           filiated with the same political party) shall be appointed for a term  
17           of 4 years.

18          (3) VACANCIES.—

19           (A) IN GENERAL.—A vacancy on the Commission shall be filled  
20           in the manner in which the original appointment was made and  
21           shall be subject to any conditions which applied with respect to the  
22           original appointment.

23           (B) EXPIRED TERMS.—A member of the Commission shall serve  
24           on the Commission after the expiration of the member's term until  
25           the successor of such member has taken office as a member of the  
26           Commission.

27           (C) UNEXPIRED TERMS.—An individual appointed to fill a va-  
28           cancy shall be appointed for the unexpired term of the member re-  
29           placed.

30          (c) CHAIR AND VICE CHAIR.—

31           (1) IN GENERAL.—The Commission shall select a chair and vice  
32           chair from among its members for a term of one year, except that the  
33           chair and vice chair may not be affiliated with the same political party.

34           (2) NUMBER OF TERMS.—A member of the Commission may serve  
35           as the chair and vice chair for only one term each during the term of  
36           office to which such member is appointed.

37          (d) COMPENSATION.—

38           (1) IN GENERAL.—Each member of the Commission shall be com-  
39           pensated at the annual rate of basic pay prescribed for level IV of the  
40           Executive Schedule under section 5315 of title 5.

1           (2) OTHER ACTIVITIES.—No member appointed to the Commission  
 2           under subsection (a) may engage in any other business, vocation, or  
 3           employment while serving as a member of the Commission and shall  
 4           terminate or liquidate such business, vocation, or employment before  
 5           sitting as a member of the Commission.

6   **§ 1314. Staff**

7           (a) EXECUTIVE DIRECTOR, GENERAL COUNSEL, AND OTHER STAFF.—

8           (1) EXECUTIVE DIRECTOR.—The Commission shall have an Execu-  
 9           tive Director, who shall be paid at a rate not to exceed the rate of basic  
 10          pay for level V of the Executive Schedule under section 5316 of title  
 11          5.

12          (2) TERM OF SERVICE FOR EXECUTIVE DIRECTOR.—The Executive  
 13          Director shall serve for a term of 4 years. An Executive Director may  
 14          serve for a longer period only if reappointed for an additional term or  
 15          terms by a vote of the Commission.

16          (3) PROCEDURE FOR APPOINTMENT.—

17           (A) IN GENERAL.—When a vacancy exists in the position of the  
 18           Executive Director, the Standards Board and the Board of Advi-  
 19           sors shall each appoint a search committee to recommend at least  
 20           three nominees for the position.

21           (B) REQUIRING CONSIDERATION OF NOMINEES.—Except as  
 22           provided in subparagraph (C), the Commission shall consider the  
 23           nominees recommended by the Standards Board and the Board of  
 24           Advisors in appointing the Executive Director.

25           (C) INTERIM SERVICE OF GENERAL COUNSEL.—If a vacancy ex-  
 26           ists in the position of the Executive Director, the General Counsel  
 27           of the Commission shall serve as the acting Executive Director  
 28           until the Commission appoints a new Executive Director in accord-  
 29           ance with this paragraph.

30           (D) SPECIAL RULES FOR INTERIM EXECUTIVE DIRECTOR.—

31           (i) CONVENING OF SEARCH COMMITTEES.—The Standards  
 32           Board and the Board of Advisors shall each appoint a search  
 33           committee and recommend nominees for the position of Execu-  
 34           tive Director in accordance with subparagraph (A) as soon  
 35           as practicable after the appointment of their members.

36           (ii) INTERIM INITIAL APPOINTMENT.—Notwithstanding  
 37           subparagraph (B), the Commission may appoint an individual  
 38           to serve as an interim Executive Director prior to the rec-  
 39           ommendation of nominees for the position by the Standards  
 40           Board or the Board of Advisors, except that such individual's  
 41           term of service may not exceed 6 months. Nothing in the pre-

1                   vious sentence may be construed to prohibit the individual  
2                   serving as the interim Executive Director from serving any  
3                   additional term.

4           (4) GENERAL COUNSEL.—The Commission shall have a General  
5           Counsel, who shall be appointed by the Commission and who shall serve  
6           under the Executive Director. The General Counsel shall serve for a  
7           term of 4 years, and may serve for a longer period only if reappointed  
8           for an additional term or terms by a vote of the Commission.

9           (5) OTHER STAFF.—Subject to rules prescribed by the Commission,  
10          the Executive Director may appoint and fix the pay of such additional  
11          personnel as the Executive Director considers appropriate.

12          (6) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Execu-  
13          tive Director, General Counsel, and staff of the Commission may be ap-  
14          pointed without regard to the provisions of title 5 governing appoint-  
15          ments in the competitive service, and may be paid without regard to  
16          the provisions of chapter 51 and subchapter III of chapter 53 of title  
17          5 relating to classification and General Schedule pay rates, except that  
18          an individual so appointed may not receive pay in excess of the annual  
19          rate of basic pay for level V of the Executive Schedule under section  
20          5316 of title 5.

21          (b) EXPERTS AND CONSULTANTS.—Subject to rules prescribed by the  
22          Commission, the Executive Director may procure temporary and intermit-  
23          tent services under section 3109(b) of title 5 by a vote of the Commission.

24          (c) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission,  
25          the head of any Federal department or agency may detail, on a reimburs-  
26          able basis, any of the personnel of that department or agency to the Com-  
27          mission to assist it in carrying out its duties under this chapter.

28          (d) ARRANGING FOR ASSISTANCE FOR BOARD OF ADVISORS AND STAND-  
29          ARDS BOARD.—At the request of the Board of Advisors or the Standards  
30          Board, the Commission may enter into such arrangements as the Commis-  
31          sion considers appropriate to make personnel available to assist the Boards  
32          with carrying out their duties under this subchapter (including contracts  
33          with private individuals for providing temporary personnel services or the  
34          temporary detailing of personnel of the Commission).

35          (e) CONSULTATION WITH BOARD OF ADVISORS AND STANDARDS BOARD  
36          ON CERTAIN MATTERS.—In preparing the program goals, long-term plans,  
37          mission statements, and related matters for the Commission, the Executive  
38          Director and staff of the Commission shall consult with the Board of Advi-  
39          sors and the Standards Board.

1    **§ 1315. Powers**

2       (a) HEARINGS AND SESSIONS.—The Commission may hold such hearings  
3 for the purpose of carrying out this chapter, sit and act at such times and  
4 places, take such testimony, and receive such evidence as the Commission  
5 considers advisable to carry out this chapter. The Commission may admin-  
6 ister oaths and affirmations to witnesses appearing before the Commission.

7       (b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may se-  
8 cure directly from any Federal department or agency such information as  
9 the Commission considers necessary to carry out this chapter. Upon request  
10 of the Commission, the head of such department or agency shall furnish  
11 such information to the Commission.

12       (c) POSTAL SERVICES.—The Commission may use the United States  
13 mails in the same manner and under the same conditions as other depart-  
14 ments and agencies of the Federal Government.

15       (d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the  
16 Commission, the Administrator of General Services shall provide to the  
17 Commission, on a reimbursable basis, the administrative support services  
18 that are necessary to enable the Commission to carry out its duties under  
19 this chapter.

20       (e) CONTRACTS.—The Commission may contract with and compensate  
21 persons and Federal agencies for supplies and services without regard to  
22 section 3709 of the Revised Statutes (41 U.S.C. 5).

23    **§ 1316. Dissemination of information**

24       In carrying out its duties, the Commission shall, on an ongoing basis, dis-  
25 seminate to the public (through the internet, published reports, and such  
26 other methods as the Commission considers appropriate) in a manner that  
27 is consistent with the requirements of chapter 19 of title 44 information on  
28 the activities carried out under this chapter.

29    **§ 1317. Annual report**

30       Not later than January 31 of each year, the Commission shall submit a  
31 report to the Committee on House Administration of the House of Rep-  
32 resentatives and the Committee on Rules and Administration of the Senate  
33 detailing its activities during the fiscal year which ended on September 30  
34 of the previous calendar year, and shall include in the report the following  
35 information:

36           (1) DETAILED DESCRIPTION OF ACTIVITIES.—A detailed description  
37 of activities conducted with respect to each program carried out by the  
38 Commission under this chapter, including information on each grant or  
39 other payment made under such programs.

40           (2) COPIES OF REPORTS SUBMITTED TO COMMISSION.—A copy of  
41 each report submitted to the Commission by a recipient of such grants

1 or payments which is required under such a program, including reports  
 2 submitted by States receiving requirements payments under subpart 2  
 3 of part E, and each other report submitted to the Commission under  
 4 this chapter.

5 (3) VOLUNTARY VOTING SYSTEM GUIDELINES AND VOLUNTARY  
 6 GUIDANCE.—Information on the voluntary voting system guidelines  
 7 adopted or modified by the Commission under subpart 3 of this part  
 8 and information on the voluntary guidance adopted under part B of  
 9 subchapter III.

10 (4) VOTES.—All votes taken by the Commission.

11 (5) OTHER INFORMATION AND RECOMMENDATIONS.—Such other in-  
 12 formation and recommendations as the Commission considers appro-  
 13 priate.

14 **§ 1318. Requiring majority approval for actions**

15 Any action which the Commission is authorized to carry out under this  
 16 chapter may be carried out only with the approval of at least three of its  
 17 members.

18 **§ 1319. Limitation on rulemaking authority**

19 The Commission shall not have any authority to issue any rule, promul-  
 20 gate any regulation, or take any other action which imposes any require-  
 21 ment on any State or unit of local government, except to the extent per-  
 22 mitted under section 907(a) of this title.

23 SUBPART 2—ELECTION ASSISTANCE COMMISSION STANDARDS BOARD AND  
 24 BOARD OF ADVISORS

25 **§ 1325. Establishment**

26 (a) STANDARDS BOARD.—There is established the Election Assistance  
 27 Commission Standards Board.

28 (b) BOARD OF ADVISORS.—There is established the Election Assistance  
 29 Commission Board of Advisors.

30 **§ 1326. Duties**

31 The Standards Board and the Board of Advisors shall each, in accord-  
 32 ance with the procedures described in subpart 3 of this part, review the vol-  
 33 untary voting system guidelines under such subpart, the voluntary guidance  
 34 under subchapter III, and the best practices recommendations contained in  
 35 the report submitted under section 242(b) of the Help America Vote Act  
 36 of 2002 (Public Law 107–252, 116 Stat. 1688).

37 **§ 1327. Membership of Standards Board**

38 (a) COMPOSITION.—

39 (1) IN GENERAL.—Subject to certification by the chair of the Fed-  
 40 eral Election Commission under subsection (b), the Standards Board  
 41 shall be composed of 110 members as follows:

1 (A) STATE ELECTION OFFICIALS.—Fifty-five shall be State elec-  
 2 tion officials selected by the chief State election official of each  
 3 State.

4 (B) LOCAL ELECTION OFFICIALS.—Fifty-five shall be local elec-  
 5 tion officials selected in accordance with paragraph (2).

6 (2) LIST OF LOCAL ELECTION OFFICIALS.—Each State's local elec-  
 7 tion officials, including the local election officials of Puerto Rico and  
 8 the United States Virgin Islands, shall select (under a process super-  
 9 vised by the chief election official of the State) a representative local  
 10 election official from the State for purposes of paragraph (1)(B). In  
 11 the case of the District of Columbia, Guam, and American Samoa, the  
 12 chief election official shall establish a procedure for selecting an indi-  
 13 vidual to serve as a local election official for purposes of such para-  
 14 graph, except that under such a procedure the individual selected may  
 15 not be a member of the same political party as the chief election offi-  
 16 cial.

17 (3) REQUIRING MIX OF POLITICAL PARTIES REPRESENTED.—The  
 18 two members of the Standards Board who represent the same State  
 19 may not be members of the same political party.

20 (b) PROCEDURES FOR NOTICE AND CERTIFICATION OF APPOINTMENT.—

21 (1) NOTICE TO CHAIR OF FEDERAL ELECTION COMMISSION.—Not  
 22 later than 90 days after October 29, 2002, the chief State election offi-  
 23 cial of the State shall transmit a notice to the chair of the Federal  
 24 Election Commission containing—

25 (A) the name of the State election official who agrees to serve  
 26 on the Standards Board under this subchapter; and

27 (B) the name of the representative local election official from  
 28 the State selected under subsection (a)(2) who agrees to serve on  
 29 the Standards Board under this subchapter.

30 (2) CERTIFICATION.—Upon receiving a notice from a State under  
 31 paragraph (1), the chair of the Federal Election Commission shall pub-  
 32 lish a certification that the selected State election official and the rep-  
 33 resentative local election official are appointed as members of the  
 34 Standards Board under this subchapter.

35 (3) EFFECT OF FAILURE TO PROVIDE NOTICE.—If a State does not  
 36 transmit a notice to the chair of the Federal Election Commission  
 37 under paragraph (1) within the deadline described in such paragraph,  
 38 no representative from the State may participate in the selection of the  
 39 initial Executive Board under subsection (c).

40 (4) ROLE OF ELECTION ASSISTANCE COMMISSION.—Upon the ap-  
 41 pointment of the members of the Election Assistance Commission, the

1 Election Assistance Commission shall carry out the duties of the Fed-  
2 eral Election Commission under this subsection.

3 (c) EXECUTIVE BOARD.—

4 (1) IN GENERAL.—Not later than 60 days after the last day on  
5 which the appointment of any of its members may be certified under  
6 subsection (b), the Standards Board shall select 9 of its members to  
7 serve as the Executive Board of the Standards Board, of whom—

- 8 (A) not more than 5 may be State election officials;  
9 (B) not more than 5 may be local election officials; and  
10 (C) not more than 5 may be members of the same political  
11 party.

12 (2) TERMS.—Except as provided in paragraph (3), members of the  
13 Executive Board of the Standards Board shall serve for a term of 2  
14 years and may not serve for more than 3 consecutive terms.

15 (3) STAGGERING OF INITIAL TERMS.—Of the members first selected  
16 to serve on the Executive Board of the Standards Board—

- 17 (A) 3 shall serve for one term;  
18 (B) 3 shall serve for 2 consecutive terms; and  
19 (C) 3 shall serve for 3 consecutive terms,

20 as determined by lot at the time the members are first appointed.

21 (4) DUTIES.—In addition to any other duties assigned under this  
22 subchapter, the Executive Board of the Standards Board may carry out  
23 such duties of the Standards Board as the Standards Board may dele-  
24 gate.

25 **§ 1328. Membership of Board of Advisors**

26 (a) IN GENERAL.—The Board of Advisors shall be composed of 37 mem-  
27 bers appointed as follows:

- 28 (1) Two members appointed by the National Governors Association.  
29 (2) Two members appointed by the National Conference of State  
30 Legislatures.  
31 (3) Two members appointed by the National Association of Secre-  
32 taries of State.  
33 (4) Two members appointed by the National Association of State  
34 Election Directors.  
35 (5) Two members appointed by the National Association of Counties.  
36 (6) Two members appointed by the National Association of County  
37 Recorders, Election Officials and Clerks.  
38 (7) Two members appointed by the United States Conference of  
39 Mayors.  
40 (8) Two members appointed by the Election Center.

1 (9) Two members appointed by the International Association of  
2 Clerks, Recorders, Election Officials and Treasurers.

3 (10) Two members appointed by the United States Commission on  
4 Civil Rights.

5 (11) Two members appointed by the Architectural and Transpor-  
6 tation Barriers Compliance Board under section 502 of the Rehabilita-  
7 tion Act of 1973 (29 U.S.C. 792).

8 (12) The chief of the Public Integrity Section of the Criminal Divi-  
9 sion of the Department of Justice, or the chief's designee.

10 (13) The chief of the Voting Section of the Civil Rights Division of  
11 the Department of Justice or the chief's designee.

12 (14) The director of the Federal Voting Assistance Program of the  
13 Department of Defense.

14 (15) Four members representing professionals in the field of science  
15 and technology, of whom—

16 (A) one each shall be appointed by the Speaker and the Minor-  
17 ity Leader of the House of Representatives; and

18 (B) one each shall be appointed by the Majority Leader and the  
19 Minority Leader of the Senate.

20 (16) Eight members representing voter interests, of whom—

21 (A) four members shall be appointed by the Committee on  
22 House Administration of the House of Representatives, of whom  
23 two shall be appointed by the chair and two shall be appointed by  
24 the ranking minority member; and

25 (B) four members shall be appointed by the Committee on  
26 Rules and Administration of the Senate, of whom two shall be ap-  
27 pointed by the chair and two shall be appointed by the ranking  
28 minority member.

29 (b) MANNER OF APPOINTMENTS.—Appointments shall be made to the  
30 Board of Advisors under subsection (a) in a manner which ensures that the  
31 Board of Advisors will be bipartisan in nature and will reflect the various  
32 geographic regions of the United States.

33 (c) TERM OF SERVICE.—Members of the Board of Advisors shall serve  
34 for a term of 2 years, and may be reappointed. Any vacancy in the Board  
35 of Advisors shall be filled in the manner in which the original appointment  
36 was made.

37 (d) CHAIR.—The Board of Advisors shall elect a Chair from among its  
38 members.

39 **§ 1329. Powers of Boards**

40 (a) HEARINGS AND SESSIONS.—

1 (1) IN GENERAL.—To the extent that funds are made available by  
 2 the Commission, the Standards Board (acting through the Executive  
 3 Board) and the Board of Advisors may each hold such hearings for the  
 4 purpose of carrying out this chapter, sit and act at such times and  
 5 places, take such testimony, and receive such evidence as each such  
 6 Board considers advisable to carry out this subchapter, except that the  
 7 Boards may not issue subpoenas requiring the attendance and testi-  
 8 mony of witnesses or the production of any evidence.

9 (2) MEETINGS.—The Standards Board and the Board of Advisors  
 10 shall each hold a meeting of its members—

11 (A) not less frequently than once every year for purposes of vot-  
 12 ing on the voluntary voting system guidelines referred to it under  
 13 section 1337 of this title;

14 (B) in the case of the Standards Board, not less frequently than  
 15 once every 2 years for purposes of selecting the Executive Board;  
 16 and

17 (C) at such other times as it considers appropriate for purposes  
 18 of conducting such other business as it considers appropriate con-  
 19 sistent with this subchapter.

20 (b) INFORMATION FROM FEDERAL AGENCIES.—The Standards Board  
 21 and the Board of Advisors may each secure directly from any Federal de-  
 22 partment or agency such information as the Board considers necessary to  
 23 carry out this chapter. Upon request of the Executive Board (in the case  
 24 of the Standards Board) or the Chair (in the case of the Board of Advi-  
 25 sors), the head of such department or agency shall furnish such information  
 26 to the Board.

27 (c) POSTAL SERVICES.—The Standards Board and the Board of Advisors  
 28 may use the United States mails in the same manner and under the same  
 29 conditions as a department or agency of the Federal Government.

30 (d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Ex-  
 31 ecutive Board (in the case of the Standards Board) or the Chair (in the  
 32 case of the Board of Advisors), the Administrator of General Services shall  
 33 provide to the Board, on a reimbursable basis, the administrative support  
 34 services that are necessary to enable the Board to carry out its duties under  
 35 this subchapter.

36 (e) NO COMPENSATION FOR SERVICE.—Members of the Standards Board  
 37 and members of the Board of Advisors shall not receive any compensation  
 38 for their service, but shall be paid travel expenses, including per diem in  
 39 lieu of subsistence, at rates authorized for employees of agencies under sub-  
 40 chapter I of chapter 57 of title 5, while away from their homes or regular  
 41 places of business in the performance of services for the Board.

1 **§ 1330. Status of Boards and members for purposes of claims**  
 2 **against Board**

3 (a) IN GENERAL.—Chapters 161 and 171 of title 28 shall apply with re-  
 4 spect to the liability of the Standards Board, the Board of Advisors, and  
 5 their members for acts or omissions performed pursuant to and in the  
 6 course of the duties and responsibilities of the Board.

7 (b) EXCEPTION FOR CRIMINAL ACTS AND OTHER WILLFUL CONDUCT.—  
 8 Subsection (a) may not be construed to limit personal liability for criminal  
 9 acts or omissions, willful or malicious misconduct, acts or omissions for pri-  
 10 vate gain, or any other act or omission outside the scope of the service of  
 11 a member of the Standards Board or the Board of Advisors.

12 SUBPART 3—TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE

13 **§ 1335. Definition of Development Committee**

14 In this subpart, the term “Development Committee” means the Technical  
 15 Guidelines Development Committee established under section 1336 of this  
 16 title.

17 **§ 1336. Technical Guidelines Development Committee**

18 (a) ESTABLISHMENT.—There is established the Technical Guidelines De-  
 19 velopment Committee.

20 (b) DUTIES.—

21 (1) IN GENERAL.—The Development Committee shall assist the Ex-  
 22 ecutive Director of the Commission in the development of the voluntary  
 23 voting system guidelines.

24 (2) DEADLINE FOR INITIAL SET OF RECOMMENDATIONS.—The De-  
 25 velopment Committee shall provide its first set of recommendations  
 26 under this section to the Executive Director of the Commission not  
 27 later than 9 months after all of its members have been appointed.

28 (c) MEMBERSHIP.—

29 (1) IN GENERAL.—The Development Committee shall be composed  
 30 of the Director of the National Institute of Standards and Technology  
 31 (who shall serve as its chair), together with a group of 14 other individ-  
 32 uals appointed jointly by the Commission and the Director of the Na-  
 33 tional Institute of Standards and Technology, consisting of the fol-  
 34 lowing:

35 (A) An equal number of each of the following:

36 (i) Members of the Standards Board.

37 (ii) Members of the Board of Advisors.

38 (iii) Members of the Architectural and Transportation Bar-  
 39 riers Compliance Board under section 502 of the Rehabilita-  
 40 tion Act of 1973 (29 U.S.C. 792).

1 (B) A representative of the American National Standards Insti-  
2 tute.

3 (C) A representative of the Institute of Electrical and Elec-  
4 tronics Engineers.

5 (D) Two representatives of the National Association of State  
6 Election Directors selected by such Association who are not mem-  
7 bers of the Standards Board or Board of Advisors, and who are  
8 not of the same political party.

9 (E) Other individuals with technical and scientific expertise re-  
10 lating to voting systems and voting equipment.

11 (2) QUORUM.—A majority of the members of the Development Com-  
12 mittee shall constitute a quorum, except that the Development Com-  
13 mittee may not conduct any business prior to the appointment of all  
14 of its members.

15 (d) NO COMPENSATION FOR SERVICE.—Members of the Development  
16 Committee shall not receive any compensation for their service, but shall be  
17 paid travel expenses, including per diem in lieu of subsistence, at rates au-  
18 thorized for employees of agencies under subchapter I of chapter 57 of title  
19 5, while away from their homes or regular places of business in the perform-  
20 ance of services for the Development Committee.

21 (e) TECHNICAL SUPPORT FROM NATIONAL INSTITUTE OF STANDARDS  
22 AND TECHNOLOGY.—

23 (1) IN GENERAL.—At the request of the Development Committee,  
24 the Director of the National Institute of Standards and Technology  
25 shall provide the Development Committee with technical support nec-  
26 essary for the Development Committee to carry out its duties under  
27 this part.

28 (2) TECHNICAL SUPPORT.—The technical support provided under  
29 paragraph (1) shall include intramural research and development in  
30 areas to support the development of the voluntary voting system guide-  
31 lines under this subpart, including—

32 (A) the security of computers, computer networks, and com-  
33 puter data storage used in voting systems, including the computer-  
34 ized list required under section 1393(a) of this title;

35 (B) methods to detect and prevent fraud;

36 (C) the protection of voter privacy;

37 (D) the role of human factors in the design and application of  
38 voting systems, including assistive technologies for individuals with  
39 disabilities (including blindness) and varying levels of literacy; and

40 (E) remote access voting, including voting through the internet.

1           (3) NO PRIVATE SECTOR INTELLECTUAL PROPERTY RIGHTS IN  
2           GUIDELINES.—No private sector individual or entity shall obtain any  
3           intellectual property rights to any guideline or the contents of any  
4           guideline (or any modification to any guideline) adopted by the Com-  
5           mission under this chapter.

6           (f) PUBLICATION OF RECOMMENDATIONS IN FEDERAL REGISTER.—At  
7           the time the Commission adopts any voluntary voting system guideline pur-  
8           suant to section 1337 of this title, the Development Committee shall cause  
9           to have published in the Federal Register the recommendations it provided  
10          under this section to the Executive Director of the Commission concerning  
11          the guideline adopted.

12          **§ 1337. Process for adoption**

13          (a) GENERAL REQUIREMENT FOR NOTICE AND COMMENT.—Consistent  
14          with the requirements of this section, the final adoption of the voluntary  
15          voting system guidelines (or modification of the guidelines) shall be carried  
16          out by the Commission in a manner that provides for each of the following:

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

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

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

21               (4) Publication of the final guidelines in the Federal Register.

22          (b) CONSIDERATION OF RECOMMENDATIONS AND SUBMISSION OF PRO-  
23          POSED GUIDELINES.—

24               (1) CONSIDERATION OF RECOMMENDATIONS OF DEVELOPMENT COM-  
25               MITTEE.—In developing the voluntary voting system guidelines and  
26               modifications of such guidelines under this section, the Executive Di-  
27               rector of the Commission shall take into consideration the recommenda-  
28               tions provided by the Development Committee under section 1336 of  
29               this title.

30               (2) BOARD OF ADVISORS.—The Executive Director of the Commis-  
31               sion shall submit the guidelines proposed to be adopted under this sub-  
32               part (or any modifications to such guidelines) to the Board of Advisors.

33               (3) STANDARDS BOARD.—The Executive Director of the Commission  
34               shall submit the guidelines proposed to be adopted under this subpart  
35               (or any modifications to such guidelines) to the Executive Board of the  
36               Standards Board, which shall review the guidelines (or modifications)  
37               and forward its recommendations to the Standards Board.

38          (c) REVIEW.—Upon receipt of voluntary voting system guidelines de-  
39          scribed in subsection (b) (or a modification of such guidelines) from the Ex-  
40          ecutive Director of the Commission, the Board of Advisors and the Stand-

ards Board shall each review and submit comments and recommendations regarding the guideline (or modification) to the Commission.

(d) FINAL ADOPTION.—

(1) IN GENERAL.—The voluntary voting system guidelines described in subsection (b) (or modification of the guidelines) shall not be considered to be finally adopted by the Commission unless the Commission votes to approve the final adoption of the guidelines (or modification), taking into consideration the comments and recommendations submitted by the Board of Advisors and the Standards Board under subsection (c).

(2) MINIMUM PERIOD FOR CONSIDERATION OF COMMENTS AND RECOMMENDATIONS.—The Commission may not vote on the final adoption of the guidelines described in subsection (b) (or modification of the guidelines) until the expiration of the 90-day period which begins on the date the Executive Director of the Commission submits the proposed guideline (or modification) to the Board of Advisors and the Standards Board under subsection (b).

PART C—TESTING, CERTIFICATION, DECERTIFICATION, AND  
RECERTIFICATION OF VOTING SYSTEM HARDWARE AND SOFTWARE

**§ 1341. Certification and testing of voting systems**

(a) CERTIFICATION AND TESTING.—

(1) IN GENERAL.—The Commission shall provide for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories.

(2) OPTIONAL USE BY STATES.—At the option of a State, the State may provide for the testing, certification, decertification, or recertification of its voting system hardware and software by the laboratories accredited by the Commission under this section.

(b) LABORATORY ACCREDITATION.—

(1) RECOMMENDATIONS BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Not later than 6 months after the Commission first adopts voluntary voting system guidelines under subpart 3 of part B, the Director of the National Institute of Standards and Technology shall conduct an evaluation of independent, non-Federal laboratories and shall submit to the Commission a list of those laboratories the Director proposes to be accredited to carry out the testing, certification, decertification, and recertification provided for under this section.

(2) APPROVAL BY COMMISSION.—

(A) IN GENERAL.—The Commission shall vote on the accreditation of any laboratory under this section, taking into consideration the list submitted under paragraph (1), and no laboratory may be

1 accredited for purposes of this section unless its accreditation is  
2 approved by a vote of the Commission.

3 (B) ACCREDITATION OF LABORATORIES NOT ON DIRECTOR  
4 LIST.—The Commission shall publish an explanation for the ac-  
5 creditation of any laboratory not included on the list submitted by  
6 the Director of the National Institute of Standards and Tech-  
7 nology under paragraph (1).

8 (c) CONTINUING REVIEW BY NATIONAL INSTITUTE OF STANDARDS AND  
9 TECHNOLOGY.—

10 (1) IN GENERAL.—In cooperation with the Commission and in con-  
11 sultation with the Standards Board and the Board of Advisors, the Di-  
12 rector of the National Institute of Standards and Technology shall  
13 monitor and review, on an ongoing basis, the performance of the lab-  
14 oratories accredited by the Commission under this section, and shall  
15 make such recommendations to the Commission as it considers appro-  
16 priate with respect to the continuing accreditation of such laboratories,  
17 including recommendations to revoke the accreditation of any such lab-  
18 oratory.

19 (2) APPROVAL BY COMMISSION REQUIRED FOR REVOCATION.—The  
20 accreditation of a laboratory for purposes of this section may not be  
21 revoked unless the revocation is approved by a vote of the Commission.

22 PART D—STUDIES AND OTHER ACTIVITIES TO PROMOTE EFFECTIVE  
23 ADMINISTRATION OF FEDERAL ELECTIONS

24 **§ 1345. Periodic studies of election administration issues**

25 (a) IN GENERAL.—On such periodic basis as the Commission may deter-  
26 mine, the Commission shall conduct and make available to the public studies  
27 regarding the election administration issues described in subsection (b), with  
28 the goal of promoting methods of voting and administering elections  
29 which—

30 (1) will be the most convenient, accessible, and easy to use for vot-  
31 ers, including members of the uniformed services and overseas voters,  
32 individuals with disabilities, including the blind and visually impaired,  
33 and voters with limited proficiency in the English language;

34 (2) will yield the most accurate, secure, and expeditious system for  
35 voting and tabulating election results;

36 (3) will be nondiscriminatory and afford each registered and eligible  
37 voter an equal opportunity to vote and to have that vote counted; and

38 (4) will be efficient and cost-effective for use.

39 (b) ELECTION ADMINISTRATION ISSUES DESCRIBED.—For purposes of  
40 subsection (a), the election administration issues described in this subsection  
41 are as follows:

1           (1) TECHNOLOGY AND SYSTEMS.—Methods and mechanisms of elec-  
2           tion technology and voting systems used in voting and counting votes  
3           in elections for Federal office, including the over-vote and under-vote  
4           notification capabilities of such technology and systems.

5           (2) BALLOT DESIGNS.—Ballot designs for elections for Federal of-  
6           fice.

7           (3) VOTER REGISTRATION AND MAINTENANCE OF ACCURATE  
8           LISTS.—Methods of voter registration, maintaining secure and accurate  
9           lists of registered voters (including the establishment of a centralized,  
10           interactive, statewide voter registration list linked to relevant agencies  
11           and all polling sites), and ensuring that registered voters appear on the  
12           voter registration list at the appropriate polling site.

13           (4) PROVISIONAL VOTING.—Methods of conducting provisional vot-  
14           ing.

15           (5) ACCESSIBILITY.—Methods of ensuring the accessibility of voting,  
16           registration, polling places, and voting equipment to all voters, includ-  
17           ing individuals with disabilities (including the blind and visually im-  
18           paired), Native American or Alaska Native citizens, and voters with  
19           limited proficiency in the English language.

20           (6) VOTING FRAUD.—Nationwide statistics and methods of identi-  
21           fying, deterring, and investigating voting fraud in elections for Federal  
22           office.

23           (7) VOTER INTIMIDATION.—Identifying, deterring, and investigating  
24           methods of voter intimidation.

25           (8) POLL WORKERS.—Methods of recruiting, training, and improving  
26           the performance of poll workers.

27           (9) VOTER EDUCATION.—Methods of educating voters about the  
28           process of registering to vote and voting, the operation of voting mech-  
29           anisms, the location of polling places, and all other aspects of partici-  
30           pating in elections.

31           (10) ALTERNATE TIMES AND PLACES FOR VOTING.—The feasibility  
32           and advisability of conducting elections for Federal office on different  
33           days, at different places, and during different hours, including the ad-  
34           visability of establishing a uniform poll closing time and establishing—

35                   (A) a legal public holiday under section 6103 of title 5 as the  
36                   date on which general elections for Federal office are held;

37                   (B) the Tuesday next after the first Monday in November, in  
38                   every even numbered year, as a legal public holiday under such  
39                   section;

1 (C) a date other than the Tuesday next after the first Monday  
 2 in November, in every even numbered year as the date on which  
 3 general elections for Federal office are held; and

4 (D) any date described in subparagraph (C) as a legal public  
 5 holiday under such section.

6 (11) ELIGIBILITY TO VOTE.—Federal and State laws governing the  
 7 eligibility of persons to vote.

8 (12) ASSISTANCE FOR STATE AND LOCAL AUTHORITIES.—Ways that  
 9 the Federal Government can best assist State and local authorities to  
 10 improve the administration of elections for Federal office and what lev-  
 11 els of funding would be necessary to provide such assistance.

12 (13) RECOUNT AND CONTEST PROCEDURES.—

13 (A) STATE LAWS AND PROCEDURES.—The laws and procedures  
 14 used by each State that govern—

15 (i) recounts of ballots cast in elections for Federal office;

16 (ii) contests of determinations regarding whether votes are  
 17 counted in such elections; and

18 (iii) standards that define what will constitute a vote on  
 19 each type of voting equipment used in the State to conduct  
 20 elections for Federal office.

21 (B) IDENTIFICATION OF BEST PRACTICES.—The best practices  
 22 (as identified by the Commission) that are used by States with re-  
 23 spect to the recounts and contests described in clauses (i) and (ii)  
 24 of subparagraph (A).

25 (C) CONSISTENCY.—Whether or not there is a need for more  
 26 consistency among State recount and contest procedures used with  
 27 respect to elections for Federal office.

28 (14) PROVIDING VOTING MATERIALS IN MORE LANGUAGES.—The  
 29 technical feasibility of providing voting materials in 8 or more lan-  
 30 guages for voters who speak those languages and who have limited  
 31 English proficiency.

32 (15) RURAL AND URBAN AREAS.—Matters particularly relevant to  
 33 voting and administering elections in rural and urban areas.

34 (16) UNIFORMED SERVICES AND OVERSEAS VOTERS.—Methods of  
 35 voter registration for members of the uniformed services and overseas  
 36 voters, and methods of ensuring that such voters receive timely ballots  
 37 that will be properly and expeditiously handled and counted.

38 (17) PERFORMANCE BENCHMARKS.—The best methods for estab-  
 39 lishing voting system performance benchmarks, expressed as a percent-  
 40 age of residual vote in the Federal contest at the top of the ballot.

1 (18) BROADCASTING PRACTICES.—Broadcasting practices that may  
2 result in the broadcast of false information concerning the location or  
3 time of operation of a polling place.

4 (19) OTHER MATTERS.—Such other matters as the Commission de-  
5 termines are appropriate.

6 (c) REPORTS.—The Commission shall submit to the President and to the  
7 Committee on House Administration of the House of Representatives and  
8 the Committee on Rules and Administration of the Senate a report on each  
9 study conducted under subsection (a) together with such recommendations  
10 for administrative and legislative action as the Commission determines are  
11 appropriate.

12 **§ 1346. Consultation with Standards Board and Board of Ad-**  
13 **visors**

14 The Commission shall carry out its duties under this part in consultation  
15 with the Standards Board and the Board of Advisors.

16 PART E—ELECTION ASSISTANCE

17 SUBPART 1—DEFINITION

18 **§ 1351. Definition of chief State election official**

19 In this part, the “chief State election official” of a State is the individual  
20 designated by the State under section 908 of this title to be responsible for  
21 coordination of the State’s responsibilities under chapter 9 of this title.

22 SUBPART 2—REQUIREMENTS PAYMENTS

23 **§ 1355. Requirements payments**

24 (a) IN GENERAL.—The Commission shall make a requirements payment  
25 each year in an amount determined under section 1356 of this title to each  
26 State which meets the conditions described in section 1357 of this title for  
27 the year.

28 (b) USE OF FUNDS.—

29 (1) IN GENERAL.—Except as provided in paragraph (2), a State re-  
30 ceiving a requirements payment shall use the payment only to meet the  
31 requirements of subchapter III.

32 (2) OTHER ACTIVITIES.—A State may use a requirements payment  
33 to carry out other activities to improve the administration of elections  
34 for Federal office if the State certifies to the Commission that—

35 (A) the State has implemented the requirements of subchapter  
36 III; or

37 (B) the amount expended with respect to such other activities  
38 does not exceed an amount equal to the minimum payment  
39 amount applicable to the State under section 1356(e) of this title.

40 (c) RETROACTIVE PAYMENTS.—

1 (1) IN GENERAL.—Notwithstanding any other provision of this part,  
 2 including the maintenance of effort requirements of section 1358(a)(7)  
 3 of this title, a State may use a requirements payment as a reimburse-  
 4 ment for costs incurred in obtaining voting equipment which meets the  
 5 requirements of section 1391 of this title if the State obtains the equip-  
 6 ment after the regularly scheduled general election for Federal office  
 7 held in November 2000.

8 (2) SPECIAL RULE REGARDING MULTIYEAR CONTRACTS.—A State  
 9 may use a requirements payment for any costs for voting equipment  
 10 which meets the requirements of section 1391 of this title that, pursu-  
 11 ant to a multiyear contract, were incurred on or after January 1, 2001,  
 12 except that the amount that the State is otherwise required to con-  
 13 tribute under the maintenance of effort requirements of section  
 14 1358(a)(7) of this title shall be increased by the amount of the pay-  
 15 ment made with respect to such multiyear contract.

16 (d) ADOPTION OF COMMISSION GUIDELINES AND GUIDANCE NOT RE-  
 17 QUIRED TO RECEIVE PAYMENT.—Nothing in this subpart may be construed  
 18 to require a State to implement any of the voluntary voting system guide-  
 19 lines or any of the voluntary guidance adopted by the Commission with re-  
 20 spect to any matter as a condition for receiving a requirements payment.

21 (e) SCHEDULE OF PAYMENTS.—At least once each calendar year, the  
 22 Commission shall make requirements payments to States under this sub-  
 23 part.

24 (f) LIMITATION.—A State may not use any portion of a requirements  
 25 payment—

26 (1) to pay costs associated with any litigation, except to the extent  
 27 that such costs otherwise constitute permitted uses of a requirements  
 28 payment under this subpart; or

29 (2) for the payment of any judgment.

30 **§ 1356. Allocation of funds**

31 (a) IN GENERAL.—Subject to subsection (c), the amount of a require-  
 32 ments payment made to a State for a year shall be equal to the product  
 33 of—

34 (1) the total amount appropriated for requirements payments for the  
 35 year; and

36 (2) the State allocation percentage for the State (as determined  
 37 under subsection (b)).

38 (b) STATE ALLOCATION PERCENTAGE.—The State allocation percentage  
 39 for a State is the amount (expressed as a percentage) equal to the quotient  
 40 of—

1 (1) the voting age population of the State (as reported in the most  
2 recent decennial census); and

3 (2) the total voting age population of all States (as reported in the  
4 most recent decennial census).

5 (c) MINIMUM AMOUNT OF PAYMENT.—The amount of a requirements  
6 payment made to a State for a year may not be less than—

7 (1) in the case of any of the several States or the District of Colum-  
8 bia, one-half of one percent of the total amount appropriated for re-  
9 quirements payments for the year; or

10 (2) in the case of Puerto Rico, Guam, American Samoa, or the  
11 United States Virgin Islands, one-tenth of one percent of such total  
12 amount.

13 (d) PRO RATA REDUCTIONS.—The Commission shall make such pro rata  
14 reductions to the allocations determined under subsection (a) as are nec-  
15 essary to comply with the requirements of subsection (c).

16 (e) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.—A  
17 requirements payment made to a State under this subpart shall be available  
18 to the State without fiscal year limitation.

19 **§ 1357. Condition for receipt of funds**

20 (a) IN GENERAL.—A State is eligible to receive a requirements payment  
21 for a fiscal year if the chief executive officer of the State, or designee, in  
22 consultation and coordination with the chief State election official, has filed  
23 with the Commission a statement certifying that the State is in compliance  
24 with the requirements referred to in subsection (b). A State may meet the  
25 requirement of the previous sentence by filing with the Commission a state-  
26 ment which reads as follows: “\_\_\_\_\_ hereby certifies that it is in  
27 compliance with the requirements referred to in section 1357(b) of title 52,  
28 United States Code” (with the blank to be filled in with the name of the  
29 State involved).

30 (b) STATE PLAN REQUIREMENT AND CERTIFICATION OF COMPLIANCE.—  
31 The requirements referred to in this subsection are as follows:

32 (1) STATE PLAN.—The State has filed with the Commission a State  
33 plan covering the fiscal year which the State certifies—

34 (A) contains each of the elements described in section 1358 of  
35 this title with respect to the fiscal year;

36 (B) is developed in accordance with section 1359 of this title;  
37 and

38 (C) meets the public notice and comment requirements of sec-  
39 tion 1360 of this title.

40 (2) COMPLAINT PROCEDURES.—The State has filed with the Com-  
41 mission a plan for the implementation of the uniform, nondiscrim-

1 inatory administrative complaint procedures required under section  
 2 1406 of this title (or has included such a plan in the State plan filed  
 3 under paragraph (1)), and has such procedures in place for purposes  
 4 of meeting the requirements of such section. If the State does not in-  
 5 clude such an implementation plan in the State plan filed under para-  
 6 graph (1), the requirements of sections 1359(b) and 1360 of this title  
 7 shall apply to the implementation plan in the same manner as such re-  
 8 quirements apply to the State plan.

9 (3) COMPLIANCE WITH LAWS.—The State is in compliance with each  
 10 of the laws described in section 1423 of this title, as such laws apply  
 11 with respect to this chapter.

12 (4) USES OF THE REQUIREMENTS PAYMENT.—To the extent that  
 13 any portion of the requirements payment is used for activities other  
 14 than meeting the requirements of subchapter III—

15 (A) the State's proposed uses of the requirements payment are  
 16 not inconsistent with the requirements of subchapter III; and

17 (B) the use of the funds under this paragraph is consistent with  
 18 the requirements of section 1355(b) of this title.

19 (5) STATE FUNDS.—The State has appropriated funds for carrying  
 20 out the activities for which the requirements payment is made in an  
 21 amount equal to 5 percent of the total amount to be spent for such  
 22 activities (taking into account the requirements payment and the  
 23 amount spent by the State) and, in the case of a State that uses a  
 24 requirements payment as a reimbursement under section 1355(c)(2) of  
 25 this title, an additional amount equal to the amount of such reimburse-  
 26 ment.

27 (c) METHODS OF COMPLIANCE LEFT TO DISCRETION OF STATE.—The  
 28 specific choices on the methods of complying with the elements of a State  
 29 plan shall be left to the discretion of the State.

30 (d) TIMING FOR FILING OF CERTIFICATION.—A State may not file a  
 31 statement of certification under subsection (a) until the expiration of the  
 32 30-day period which begins on the date the State plan under this part is  
 33 published in the Federal Register pursuant to section 1359(b) of this title.

### 34 **§ 1358. State plan**

35 (a) IN GENERAL.—The State plan shall contain a description of each of  
 36 the following:

37 (1) STATE USE OF REQUIREMENTS PAYMENT.—How the State will  
 38 use the requirements payment to meet the requirements of subchapter  
 39 III, and, if applicable under section 1355(a)(2) of this title, to carry  
 40 out other activities to improve the administration of elections.

1 (2) DISTRIBUTION OF REQUIREMENTS PAYMENT TO LOCAL GOVERN-  
 2 MENT OR OTHER ENTITIES.—How the State will distribute and monitor  
 3 the distribution of the requirements payment to units of local govern-  
 4 ment or other entities in the State for carrying out the activities de-  
 5 scribed in paragraph (1), including a description of—

6 (A) the criteria to be used to determine the eligibility of such  
 7 units or entities for receiving the payment; and

8 (B) the methods to be used by the State to monitor the per-  
 9 formance of the units or entities to whom the payment is distrib-  
 10 uted, consistent with the performance goals and measures adopted  
 11 under paragraph (8).

12 (3) EDUCATION AND TRAINING.—How the State will provide for pro-  
 13 grams for voter education, election official education and training, and  
 14 poll worker training which will assist the State in meeting the require-  
 15 ments of subchapter III.

16 (4) ADOPTION OF VOTING SYSTEM GUIDELINES AND PROCESSES.—  
 17 How the State will adopt voting system guidelines and processes which  
 18 are consistent with the requirements of section 1391 of this title.

19 (5) FUND FOR ADMINISTERING STATE ACTIVITIES.—How the State  
 20 will establish a fund described in subsection (b) for purposes of admin-  
 21 istering the State's activities under this subpart, including information  
 22 on fund management.

23 (6) PROPOSED BUDGET.—The State's proposed budget for activities  
 24 under this subpart, based on the State's best estimates of the costs of  
 25 such activities and the amount of funds to be made available, including  
 26 specific information on—

27 (A) the costs of the activities required to be carried out to meet  
 28 the requirements of subchapter III;

29 (B) the portion of the requirements payment which will be used  
 30 to carry out activities to meet such requirements; and

31 (C) the portion of the requirements payment which will be used  
 32 to carry out other activities.

33 (7) MAINTENANCE OF STATE EXPENDITURES.—How the State, in  
 34 using the requirements payment, will maintain the expenditures of the  
 35 State for activities funded by the payment at a level that is not less  
 36 than the level of such expenditures maintained by the State for the fis-  
 37 cal year ending prior to November 2000.

38 (8) PERFORMANCE GOALS AND MEASURES.—How the State will  
 39 adopt performance goals and measures that will be used by the State  
 40 to determine its success and the success of units of local government  
 41 in the State in carrying out the plan, including timetables for meeting

1 each of the elements of the plan, descriptions of the criteria the State  
 2 will use to measure performance and the process used to develop such  
 3 criteria, and a description of which official is to be held responsible for  
 4 ensuring that each performance goal is met.

5 (9) ADMINISTRATIVE COMPLAINT PROCEDURES.—A description of  
 6 the uniform, nondiscriminatory State-based administrative complaint  
 7 procedures in effect under section 1406 of this title.

8 (10) PAYMENT UNDER TITLE I OF HELP AMERICA VOTE ACT OF  
 9 2002.—If the State received any payment under title I of the Help  
 10 America Vote Act of 2002 (Public Law 107–252, 116 Stat. 1668), a  
 11 description of how such payment will affect the activities proposed to  
 12 be carried out under the plan, including the amount of funds available  
 13 for such activities.

14 (11) MANAGEMENT OF PLAN.—How the State will conduct ongoing  
 15 management of the plan, except that the State may not make any ma-  
 16 terial change in the administration of the plan unless the change—

17 (A) is developed and published in the Federal Register in ac-  
 18 cordance with section 1359 of this title in the same manner as the  
 19 State plan;

20 (B) is subject to public notice and comment in accordance with  
 21 section 1360 of this title in the same manner as the State plan;  
 22 and

23 (C) takes effect only after the expiration of the 30-day period  
 24 which begins on the date the change is published in the Federal  
 25 Register in accordance with subparagraph (A).

26 (12) PLAN FROM PREVIOUS YEAR.—In the case of a State with a  
 27 State plan in effect under this part during the previous fiscal year, a  
 28 description of how the plan reflects changes from the State plan for  
 29 the previous fiscal year and of how the State succeeded in carrying out  
 30 the State plan for such previous fiscal year.

31 (13) DEVELOPMENT OF PLAN.—A description of the committee  
 32 which participated in the development of the State plan in accordance  
 33 with section 1359 of this title and the procedures followed by the com-  
 34 mittee under such section and section 1360 of this title.

35 (b) REQUIREMENTS FOR ELECTION FUND.—

36 (1) ELECTION FUND DESCRIBED.—For purposes of subsection  
 37 (a)(5), a fund described in this subsection with respect to a State is  
 38 a fund which is established in the treasury of the State government,  
 39 which is used in accordance with paragraph (2), and which consists of  
 40 the following amounts:

1 (A) AMOUNTS FROM STATE.—Amounts appropriated or other-  
 2 wise made available by the State for carrying out the activities for  
 3 which the requirements payment is made to the State under this  
 4 subpart.

5 (B) REQUIREMENTS PAYMENT.—The requirements payment  
 6 made to the State under this subpart.

7 (C) OTHER APPROPRIATED AMOUNTS.—Such other amounts as  
 8 may be appropriated under law.

9 (D) INTEREST.—Interest earned on deposits of the fund.

10 (2) USE OF FUND.—Amounts in the fund shall be used by the State  
 11 exclusively to carry out the activities for which the requirements pay-  
 12 ment is made to the State under this subpart.

13 (3) TREATMENT OF STATES THAT REQUIRE CHANGES TO STATE  
 14 LAW.—In the case of a State that requires State legislation to establish  
 15 the fund described in this subsection, the Commission shall defer dis-  
 16 bursement of the requirements payment to such State until such time  
 17 as legislation establishing the fund is enacted.

18 (c) PROTECTION AGAINST ACTIONS BASED ON INFORMATION IN PLAN.—

19 (1) IN GENERAL.—No action may be brought under this chapter  
 20 against a State or other jurisdiction on the basis of any information  
 21 contained in the State plan filed under this subpart.

22 (2) EXCEPTION FOR CRIMINAL ACTS.—Paragraph (1) may not be  
 23 construed to limit the liability of a State or other jurisdiction for crimi-  
 24 nal acts or omissions.

### 25 **§ 1359. Development and publication of plan**

26 (a) DEVELOPMENT COMMITTEE.—The chief State election official shall  
 27 develop the State plan under this part through a committee of appropriate  
 28 individuals, including the chief election officials of the two most populous  
 29 jurisdictions within the States, other local election officials, stake holders  
 30 (including representatives of groups of individuals with disabilities), and  
 31 other citizens, appointed for such purpose by the chief State election official.

32 (b) PUBLICATION BY COMMISSION.—After receiving the State plan of a  
 33 State under this part, the Commission shall cause to have the plan pub-  
 34 lished in the Federal Register.

### 35 **§ 1360. Requirement for public notice and comment**

36 For purposes of section 1357(b)(1)(C) of this title, a State plan meets  
 37 the public notice and comment requirements of this section if—

38 (1) not later than 30 days prior to the submission of the plan, the  
 39 State made a preliminary version of the plan available for public in-  
 40 spection and comment;

1 (2) the State publishes notice that the preliminary version of the  
2 plan is so available; and

3 (3) the State took the public comments made regarding the prelimi-  
4 nary version of the plan into account in preparing the plan which was  
5 filed with the Commission.

6 **§ 1361. Reports**

7 Not later than 6 months after the end of each fiscal year for which a  
8 State received a requirements payment under this subpart, the State shall  
9 submit a report to the Commission on the activities conducted with the  
10 funds provided during the year, and shall include in the report—

11 (1) a list of expenditures made with respect to each category of ac-  
12 tivities described in section 1355(b) of this title;

13 (2) the number and type of articles of voting equipment obtained  
14 with the funds; and

15 (3) an analysis and description of the activities funded under this  
16 subpart to meet the requirements of this chapter and an analysis and  
17 description of how such activities conform to the State plan under sec-  
18 tion 1358 of this title.

19 SUBPART 3—PAYMENTS TO STATES AND UNITS OF LOCAL GOVERNMENT TO  
20 ASSURE ACCESS FOR INDIVIDUALS WITH DISABILITIES

21 **§ 1365. Definition of Secretary**

22 In this subpart, the term “Secretary” means the Secretary of Health and  
23 Human Services.

24 **§ 1366. Payments to States and units of local government to  
25 assure access for individuals with disabilities**

26 (a) IN GENERAL.—The Secretary shall make a payment to each eligible  
27 State and each eligible unit of local government (as described in section  
28 1368 of this title).

29 (b) USE OF FUNDS.—An eligible State and eligible unit of local govern-  
30 ment shall use the payment received under this subpart for—

31 (1) making polling places, including the path of travel, entrances,  
32 exits, and voting areas of each polling facility, accessible to individuals  
33 with disabilities, including the blind and visually impaired, in a manner  
34 that provides the same opportunity for access and participation (includ-  
35 ing privacy and independence) as for other voters;

36 (2) providing individuals with disabilities and the other individuals  
37 described in paragraph (1) with information about the accessibility of  
38 polling places, including outreach programs to inform the individuals  
39 about the availability of accessible polling places; and

1 (3) training election officials, poll workers, and election volunteers on  
 2 how best to promote the access and participation of individuals with  
 3 disabilities in elections for Federal office.

4 (e) SCHEDULE OF PAYMENTS.—At least once each calendar year, the  
 5 Secretary shall make payments under this subpart.

6 **§ 1367. Amount of payment**

7 (a) IN GENERAL.—The amount of a payment made to an eligible State  
 8 or an eligible unit of local government for a year under this subpart shall  
 9 be determined by the Secretary.

10 (b) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.—A  
 11 payment made to an eligible State or eligible unit of local government under  
 12 this subpart shall be available without fiscal year limitation.

13 **§ 1368. Requirements for eligibility**

14 (a) APPLICATION.—Each State or unit of local government that desires  
 15 to receive a payment under this subpart for a fiscal year shall submit an  
 16 application for the payment to the Secretary at such time and in such man-  
 17 ner and containing such information as the Secretary shall require.

18 (b) CONTENTS OF APPLICATION.—Each application submitted under sub-  
 19 section (a) shall—

20 (1) describe the activities for which assistance under this section is  
 21 sought; and

22 (2) provide such additional information and certifications as the Sec-  
 23 retary determines to be essential to ensure compliance with the require-  
 24 ments of this subpart.

25 (c) PROTECTION AGAINST ACTIONS BASED ON INFORMATION IN APPLI-  
 26 CATION.—

27 (1) IN GENERAL.—No action may be brought under this chapter  
 28 against a State or unit of local government on the basis of any infor-  
 29 mation contained in the application submitted under subsection (a).

30 (2) EXCEPTION FOR CRIMINAL ACTS.—Paragraph (1) may not be  
 31 construed to limit the liability of a State or unit of local government  
 32 for criminal acts or omissions.

33 **§ 1369. Reports**

34 (a) REPORTS BY RECIPIENTS.—Not later than 6 months after the end  
 35 of each fiscal year for which an eligible State or eligible unit of local govern-  
 36 ment received a payment under this subpart, the State or unit shall submit  
 37 a report to the Secretary on the activities conducted with the funds provided  
 38 during the year, and shall include in the report a list of expenditures made  
 39 with respect to each category of activities described in section 1366(b) of  
 40 this title.

1 (b) REPORT BY SECRETARY TO COMMITTEES.—With respect to each fis-  
 2 cal year for which the Secretary makes payments under this subpart, the  
 3 Secretary shall submit a report on the activities carried out under this sub-  
 4 part to the Committee on House Administration of the House of Represent-  
 5 atives and the Committee on Rules and Administration of the Senate.

6 SUBPART 4—GRANTS FOR RESEARCH ON VOTING TECHNOLOGY  
 7 IMPROVEMENTS

8 **§ 1371. Grants for research on voting technology improve-**  
 9 **ments**

10 (a) IN GENERAL.—The Commission shall make grants to assist entities  
 11 in carrying out research and development to improve the quality, reliability,  
 12 accuracy, accessibility, affordability, and security of voting equipment, elec-  
 13 tion systems, and voting technology.

14 (b) ELIGIBILITY.—An entity is eligible to receive a grant under this sub-  
 15 part if it submits to the Commission (at such time and in such form as  
 16 the Commission may require) an application containing—

17 (1) certifications that the research and development funded with the  
 18 grant will take into account the need to make voting equipment fully  
 19 accessible for individuals with disabilities, including the blind and visu-  
 20 ally impaired, the need to ensure that such individuals can vote inde-  
 21 pendently and with privacy, and the need to provide alternative lan-  
 22 guage accessibility for individuals with limited proficiency in the  
 23 English language (consistent with the requirements of chapter 3 of this  
 24 title); and

25 (2) such other information and certifications as the Commission may  
 26 require.

27 (c) APPLICABILITY OF REGULATIONS GOVERNING PATENT RIGHTS IN IN-  
 28 VENTIONS MADE WITH FEDERAL ASSISTANCE.—Any invention made by the  
 29 recipient of a grant under this subpart using funds provided under this sub-  
 30 part shall be subject to chapter 18 of title 35 (relating to patent rights in  
 31 inventions made with Federal assistance).

32 (d) RECOMMENDATION OF TOPICS FOR RESEARCH.—

33 (1) IN GENERAL.—The Director of the National Institute of Stand-  
 34 ards and Technology (hereafter in this section referred to as the “Di-  
 35 rector”) shall submit to the Commission an annual list of the Direc-  
 36 tor’s suggestions for issues which may be the subject of research fund-  
 37 ed with grants awarded under this subpart during the year.

38 (2) REVIEW OF GRANT APPLICATIONS RECEIVED BY COMMISSION.—  
 39 The Commission shall submit each application it receives for a grant  
 40 under this subpart to the Director, who shall review the application and

1 provide the Commission with such comments as the Director considers  
2 appropriate.

3 (3) MONITORING AND ADJUSTMENT OF GRANT ACTIVITIES AT RE-  
4 QUEST OF COMMISSION.—After the Commission has awarded a grant  
5 under this subpart, the Commission may request that the Director  
6 monitor the grant, and (to the extent permitted under the terms of the  
7 grant as awarded) the Director may recommend to the Commission  
8 that the recipient of the grant modify and adjust the activities carried  
9 out under the grant.

10 (4) EVALUATION OF GRANTS AT REQUEST OF COMMISSION.—

11 (A) IN GENERAL.—In the case of a grant for which the Com-  
12 mission submits the application to the Director under paragraph  
13 (2) or requests that the Director monitor the grant under para-  
14 graph (3), the Director shall prepare and submit to the Commis-  
15 sion an evaluation of the grant and the activities carried out under  
16 the grant.

17 (B) INCLUSION IN REPORTS.—The Commission shall include the  
18 evaluations submitted under subparagraph (A) for a year in the  
19 report submitted for the year under section 1317 of this title.

20 (e) PROVISION OF INFORMATION ON PROJECTS.—The Commission may  
21 provide to the Technical Guidelines Development Committee under subpart  
22 3 of part B such information regarding the activities funded under this sub-  
23 part as the Commission deems necessary to assist the Committee in car-  
24 rying out the Committee's duties.

25 **§ 1372. Report**

26 (a) IN GENERAL.—Each entity which receives a grant under this subpart  
27 shall submit to the Commission a report describing the activities carried out  
28 with the funds provided under the grant.

29 (b) DEADLINE.—An entity shall submit a report required under sub-  
30 section (a) not later than 60 days after the end of the fiscal year for which  
31 the entity received the grant which is the subject of the report.

32 SUBPART 5—PILOT PROGRAM FOR TESTING OF EQUIPMENT AND  
33 TECHNOLOGY

34 **§ 1375. Pilot program**

35 (a) IN GENERAL.—The Commission shall make grants to carry out pilot  
36 programs under which new technologies in voting systems and equipment  
37 are tested and implemented on a trial basis so that the results of such tests  
38 and trials are reported to Congress.

39 (b) ELIGIBILITY.—An entity is eligible to receive a grant under this sub-  
40 part if it submits to the Commission (at such time and in such form as  
41 the Commission may require) an application containing—

1           (1) certifications that the pilot programs funded with the grant will  
 2 take into account the need to make voting equipment fully accessible  
 3 for individuals with disabilities, including the blind and visually im-  
 4 paired, the need to ensure that such individuals can vote independently  
 5 and with privacy, and the need to provide alternative language accessi-  
 6 bility for individuals with limited proficiency in the English language  
 7 (consistent with the requirements of chapter 3 of this title and the re-  
 8 quirements of this chapter); and

9           (2) such other information and certifications as the Commission may  
 10 require.

11 (c) RECOMMENDATION OF TOPICS FOR PILOT PROGRAMS.—

12           (1) IN GENERAL.—The Director of the National Institute of Stand-  
 13 ards and Technology (hereafter in this section referred to as the “Di-  
 14 rector”) shall submit to the Commission an annual list of the Direc-  
 15 tor’s suggestions for issues which may be the subject of pilot programs  
 16 funded with grants awarded under this subpart during the year.

17           (2) REVIEW OF GRANT APPLICATIONS RECEIVED BY COMMISSION.—  
 18 The Commission shall submit each application it receives for a grant  
 19 under this subpart to the Director, who shall review the application and  
 20 provide the Commission with such comments as the Director considers  
 21 appropriate.

22           (3) MONITORING AND ADJUSTMENT OF GRANT ACTIVITIES AT RE-  
 23 QUEST OF COMMISSION.—After the Commission has awarded a grant  
 24 under this subpart, the Commission may request that the Director  
 25 monitor the grant, and (to the extent permitted under the terms of the  
 26 grant as awarded) the Director may recommend to the Commission  
 27 that the recipient of the grant modify and adjust the activities carried  
 28 out under the grant.

29           (4) EVALUATION OF GRANTS AT REQUEST OF COMMISSION.—

30           (A) IN GENERAL.—In the case of a grant for which the Com-  
 31 mission submits the application to the Director under paragraph  
 32 (2) or requests that the Director monitor the grant under para-  
 33 graph (3), the Director shall prepare and submit to the Commis-  
 34 sion an evaluation of the grant and the activities carried out under  
 35 the grant.

36           (B) INCLUSION IN REPORTS.—The Commission shall include the  
 37 evaluations submitted under subparagraph (A) for a year in the  
 38 report submitted for the year under section 1317 of this title.

39           (d) PROVISION OF INFORMATION ON PROJECTS.—The Commission may  
 40 provide to the Technical Guidelines Development Committee under subpart  
 41 3 of part B such information regarding the activities funded under this sub-

1 part as the Commission deems necessary to assist the Committee in car-  
 2 rying out the Committee's duties.

3 **§ 1376. Report**

4 (a) IN GENERAL.—Each entity which receives a grant under this subpart  
 5 shall submit to the Commission a report describing the activities carried out  
 6 with the funds provided under the grant.

7 (b) DEADLINE.—An entity shall submit a report required under sub-  
 8 section (a) not later than 60 days after the end of the fiscal year for which  
 9 the entity received the grant which is the subject of the report.

10 SUBPART 6—PROTECTION AND ADVOCACY SYSTEMS

11 **§ 1381. Payments for protection and advocacy systems**

12 (a) IN GENERAL.—In addition to any other payments made under this  
 13 part, the Secretary of Health and Human Services shall pay the protection  
 14 and advocacy system (as defined in section 102 of the Developmental Dis-  
 15 abilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)) of  
 16 each State to ensure full participation in the electoral process for individuals  
 17 with disabilities, including registering to vote, casting a vote and accessing  
 18 polling places. In providing such services, protection and advocacy systems  
 19 shall have the same general authorities as they are afforded under subtitle  
 20 C of title I of the Developmental Disabilities Assistance and Bill of Rights  
 21 Act of 2000 (42 U.S.C. 15041 et seq.).

22 (b) MINIMUM GRANT AMOUNT.—The minimum amount of each grant to  
 23 a protection and advocacy system shall be determined and allocated as set  
 24 forth in subsections (c)(3), (c)(4), (c)(5), (e), and (g) of section 509 of the  
 25 Rehabilitation Act of 1973 (29 U.S.C. 794e), except that the amount of the  
 26 grants to systems referred to in paragraphs (3)(B) and (4)(B) of subsection  
 27 (c) of that section shall be not less than \$70,000 and \$35,000, respectively.

28 (c) TRAINING AND TECHNICAL ASSISTANCE PROGRAM.—

29 (1) IN GENERAL.—Not later than 90 days after the date on which  
 30 the initial appropriation of funds for a fiscal year is made pursuant to  
 31 the authorization under section 1382 of this title, the Secretary shall  
 32 set aside 7 percent of the amount appropriated and use the set aside  
 33 portion to make payments to eligible entities to provide training and  
 34 technical assistance with respect to the activities carried out under this  
 35 section.

36 (2) USE OF FUNDS.—A recipient of a payment under this subsection  
 37 may use the payment to support training in the use of voting systems  
 38 and technologies, and to demonstrate and evaluate the use of such sys-  
 39 tems and technologies, by individuals with disabilities (including blind-  
 40 ness) in order to assess the availability and use of such systems and  
 41 technologies for such individuals. At least one of the recipients under

1 this subsection shall use the payment to provide training and technical  
2 assistance for nonvisual access.

3 (3) ELIGIBILITY.—An entity is eligible to receive a payment under  
4 this subsection if the entity—

5 (A) is a public or private nonprofit entity with demonstrated ex-  
6 perience in voting issues for individuals with disabilities;

7 (B) is governed by a board with respect to which the majority  
8 of its members are individuals with disabilities or family members  
9 of such individuals or individuals who are blind; and

10 (C) submits to the Secretary an application at such time, in  
11 such manner, and containing such information as the Secretary  
12 may require.

13 **§ 1382. Authorization of appropriations**

14 (a) IN GENERAL.—In addition to any other amounts authorized to be ap-  
15 propriated under this part, such sums as may be necessary are authorized  
16 to be appropriated each fiscal year for the purpose of making payments  
17 under section 1381(a) of this title; except that none of the funds provided  
18 by this subsection shall be used to initiate or otherwise participate in any  
19 litigation related to election-related disability access, notwithstanding the  
20 general authorities that the protection and advocacy systems are otherwise  
21 afforded under subtitle C of title I of the Developmental Disabilities Assist-  
22 ance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

23 (b) AVAILABILITY.—Any amounts appropriated pursuant to the authority  
24 of this section shall remain available until expended.

25 SUBPART 7—NATIONAL STUDENT AND PARENT MOCK ELECTION

26 **§ 1385. Grants for voter education activities**

27 (a) IN GENERAL.—The Commission is authorized to award grants to the  
28 National Student and Parent Mock Election, a national nonprofit, non-  
29 partisan organization that works to promote voter participation in American  
30 elections, to enable it to carry out voter education activities for students and  
31 their parents. Such activities may—

32 (1) include simulated national elections at least 5 days before the ac-  
33 tual election that permit participation by students and parents from  
34 each of the 50 States in the United States, its territories, the District  
35 of Columbia, and United States schools overseas; and

36 (2) consist of—

37 (A) school forums and local cable call-in shows on the national  
38 issues to be voted upon in an “issues forum”;

39 (B) speeches and debates before students and parents by local  
40 candidates or stand-ins for such candidates;

1 (C) quiz team competitions, mock press conferences, and speech  
2 writing competitions;

3 (D) weekly meetings to follow the course of the campaign; or

4 (E) school and neighborhood campaigns to increase voter turn-  
5 out, including newsletters, posters, telephone chains, and transpor-  
6 tation.

7 (b) REQUIREMENT.—The National Student and Parent Mock Election  
8 shall present awards to outstanding student and parent mock election  
9 projects.

10 **§ 1386. Authorization of appropriations**

11 There are authorized to be appropriated to carry out this part such sums  
12 as may be necessary for fiscal years 2007, 2008, and 2009.

13 SUBCHAPTER III—UNIFORM AND NONDISCRIMINATORY ELEC-  
14 TION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS

15 PART A—REQUIREMENTS

16 **§ 1391. Voting systems standards**

17 (a) DEFINITION OF VOTING SYSTEM.—In this section, the term “voting  
18 system” means—

19 (1) the total combination of mechanical, electromechanical, or elec-  
20 tronic equipment (including the software, firmware, and documentation  
21 required to program, control, and support the equipment) that is  
22 used—

23 (A) to define ballots;

24 (B) to cast and count votes;

25 (C) to report or display election results; and

26 (D) to maintain and produce any audit trail information; and

27 (2) the practices and associated documentation used—

28 (A) to identify system components and versions of such compo-  
29 nents;

30 (B) to test the system during its development and maintenance;

31 (C) to maintain records of system errors and defects;

32 (D) to determine specific system changes to be made to a sys-  
33 tem after the initial qualification of the system; and

34 (E) to make available any materials to the voter (such as no-  
35 tices, instructions, forms, or paper ballots).

36 (b) REQUIREMENTS.—Each voting system used in an election for Federal  
37 office shall meet the following requirements:

38 (1) IN GENERAL.—

39 (A) Except as provided in subparagraph (B), the voting system  
40 (including any lever voting system, optical scanning voting system,  
41 or direct recording electronic system) shall—

1 (i) permit the voter to verify (in a private and independent  
2 manner) the votes selected by the voter on the ballot before  
3 the ballot is cast and counted;

4 (ii) provide the voter with the opportunity (in a private and  
5 independent manner) to change the ballot or correct any error  
6 before the ballot is cast and counted (including the oppor-  
7 tunity to correct the error through the issuance of a replace-  
8 ment ballot if the voter was otherwise unable to change the  
9 ballot or correct any error); and

10 (iii) if the voter selects votes for more than one candidate  
11 for a single office—

12 (I) notify the voter that the voter has selected more  
13 than one candidate for a single office on the ballot;

14 (II) notify the voter before the ballot is cast and  
15 counted of the effect of casting multiple votes for the of-  
16 fice; and

17 (III) provide the voter with the opportunity to correct  
18 the ballot before the ballot is cast and counted.

19 (B) A State or jurisdiction that uses a paper ballot voting sys-  
20 tem, a punch card voting system, or a central count voting system  
21 (including mail-in absentee ballots and mail-in ballots), may meet  
22 the requirements of subparagraph (A)(iii) by—

23 (i) establishing a voter education program specific to that  
24 voting system that notifies each voter of the effect of casting  
25 multiple votes for an office; and

26 (ii) providing the voter with instructions on how to correct  
27 the ballot before it is cast and counted (including instructions  
28 on how to correct the error through the issuance of a replace-  
29 ment ballot if the voter was otherwise unable to change the  
30 ballot or correct any error).

31 (C) The voting system shall ensure that any notification re-  
32 quired under this paragraph preserves the privacy of the voter and  
33 the confidentiality of the ballot.

34 (2) AUDIT CAPACITY.—

35 (A) IN GENERAL.—The voting system shall produce a record  
36 with an audit capacity for such system.

37 (B) MANUAL AUDIT CAPACITY.—

38 (i) The voting system shall produce a permanent paper  
39 record with a manual audit capacity for such system.

1 (ii) The voting system shall provide the voter with an op-  
 2 portunity to change the ballot or correct any error before the  
 3 permanent paper record is produced.

4 (iii) The paper record produced under subparagraph (A)  
 5 shall be available as an official record for any recount con-  
 6 ducted with respect to any election in which the system is  
 7 used.

8 (3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—The vot-  
 9 ing system shall—

10 (A) be accessible for individuals with disabilities, including non-  
 11 visual accessibility for the blind and visually impaired, in a manner  
 12 that provides the same opportunity for access and participation  
 13 (including privacy and independence) as for other voters;

14 (B) satisfy the requirement of subparagraph (A) through the  
 15 use of at least one direct recording electronic voting system or  
 16 other voting system equipped for individuals with disabilities at  
 17 each polling place; and

18 (C) if purchased with funds made available under subchapter II  
 19 on or after January 1, 2007, meet the voting system standards  
 20 for disability access (as outlined in this paragraph).

21 (4) ALTERNATIVE LANGUAGE ACCESSIBILITY.—The voting system  
 22 shall provide alternative language accessibility pursuant to the require-  
 23 ments of section 333 of this title.

24 (5) ERROR RATES.—The error rate of the voting system in counting  
 25 ballots (determined by taking into account only those errors which are  
 26 attributable to the voting system and not attributable to an act of the  
 27 voter) shall comply with the error rate standards established under sec-  
 28 tion 3.2.1 of the voting systems standards issued by the Federal Elec-  
 29 tion Commission which are in effect on October 29, 2002.

30 (6) UNIFORM DEFINITION OF WHAT CONSTITUTES A VOTE.—Each  
 31 State shall adopt uniform and nondiscriminatory standards that define  
 32 what constitutes a vote and what will be counted as a vote for each  
 33 category of voting system used in the State.

34 (e) CONSTRUCTION.—

35 (1) IN GENERAL.—Nothing in this section shall be construed to pro-  
 36 hibit a State or jurisdiction which used a particular type of voting sys-  
 37 tem in the elections for Federal office held in November 2000 from  
 38 continuing to use the same type of system, so long as the system meets  
 39 or is modified to meet the requirements of this section.

40 (2) PROTECTION OF PAPER BALLOT VOTING SYSTEMS.—For pur-  
 41 poses of subsection (b)(1)(A)(i), the term “verify” may not be defined

1 in a manner that makes it impossible for a paper ballot voting system  
 2 to meet the requirements of such subsection or to be modified to meet  
 3 such requirements.

4 **§ 1392. Provisional voting and voting information require-**  
 5 **ments**

6 (a) PROVISIONAL VOTING REQUIREMENTS.—If an individual declares  
 7 that such individual is a registered voter in the jurisdiction in which the  
 8 individual desires to vote and that the individual is eligible to vote in an  
 9 election for Federal office, but the name of the individual does not appear  
 10 on the official list of eligible voters for the polling place or an election offi-  
 11 cial asserts that the individual is not eligible to vote, such individual shall  
 12 be permitted to cast a provisional ballot as follows:

13 (1) NOTICE.—An election official at the polling place shall notify the  
 14 individual that the individual may cast a provisional ballot in that elec-  
 15 tion.

16 (2) WRITTEN AFFIRMATION.—The individual shall be permitted to  
 17 cast a provisional ballot at that polling place upon the execution of a  
 18 written affirmation by the individual before an election official at the  
 19 polling place stating that the individual is—

20 (A) a registered voter in the jurisdiction in which the individual  
 21 desires to vote; and

22 (B) eligible to vote in that election.

23 (3) TRANSMISSION TO ELECTION OFFICIAL FOR VERIFICATION.—An  
 24 election official at the polling place shall transmit the ballot cast by the  
 25 individual or the voter information contained in the written affirmation  
 26 executed by the individual under paragraph (2) to an appropriate State  
 27 or local election official for prompt verification under paragraph (4).

28 (4) PROVISIONAL BALLOT COUNTED AS VOTE IF INDIVIDUAL DETER-  
 29 MINED TO BE ELIGIBLE.—If the appropriate State or local election offi-  
 30 cial to whom the ballot or voter information is transmitted under para-  
 31 graph (3) determines that the individual is eligible under State law to  
 32 vote, the individual's provisional ballot shall be counted as a vote in  
 33 that election in accordance with State law.

34 (5) FREE ACCESS SYSTEM ALLOWING INDIVIDUALS TO ASCERTAIN  
 35 DISPOSITION OF PROVISIONAL BALLOTS.—

36 (A) WRITTEN INFORMATION TO INDIVIDUAL.—At the time that  
 37 an individual casts a provisional ballot, the appropriate State or  
 38 local election official shall give the individual written information  
 39 that states that any individual who casts a provisional ballot will  
 40 be able to ascertain under the system established under subpara-

1 graph (B) whether the vote was counted, and, if the vote was not  
2 counted, the reason that the vote was not counted.

3 (B) ESTABLISHMENT OF FREE ACCESS SYSTEM.—The appro-  
4 priate State or local election official shall establish a free access  
5 system (such as a toll-free telephone number or an internet  
6 website) that any individual who casts a provisional ballot may ac-  
7 cess to discover whether the vote of that individual was counted,  
8 and, if the vote was not counted, the reason that the vote was not  
9 counted.

10 States described in section 902(b) of this title may meet the requirements  
11 of this subsection using voter registration procedures established under ap-  
12 plicable State law. The appropriate State or local official shall establish and  
13 maintain reasonable procedures necessary to protect the security, confiden-  
14 tiality, and integrity of personal information collected, stored, or otherwise  
15 used by the free access system established under paragraph (5)(B). Access  
16 to information about an individual provisional ballot shall be restricted to  
17 the individual who cast the ballot.

18 (b) VOTING INFORMATION REQUIREMENTS.—

19 (1) PUBLIC POSTING ON ELECTION DAY.—The appropriate State or  
20 local election official shall cause voting information to be publicly post-  
21 ed at each polling place on the day of each election for Federal office.

22 (2) DEFINITION OF VOTING INFORMATION.—In this section, the  
23 term “voting information” means—

24 (A) a sample version of the ballot that will be used for that elec-  
25 tion;

26 (B) information regarding the date of the election and the hours  
27 during which polling places will be open;

28 (C) instructions on how to vote, including how to cast a vote  
29 and how to cast a provisional ballot;

30 (D) instructions for mail-in registrants and first-time voters  
31 under section 1393(b) of this title;

32 (E) general information on voting rights under applicable Fed-  
33 eral and State laws, including information on the right of an indi-  
34 vidual to cast a provisional ballot and instructions on how to con-  
35 tact the appropriate officials if these rights are alleged to have  
36 been violated; and

37 (F) general information on Federal and State laws regarding  
38 prohibitions on acts of fraud and misrepresentation.

39 (c) VOTERS WHO VOTE AFTER POLLS CLOSE.—Any individual who votes  
40 in an election for Federal office as a result of a Federal or State court order  
41 or any other order extending the time established for closing the polls by

1 a State law in effect 10 days before the date of that election may only vote  
 2 in that election by casting a provisional ballot under subsection (a). Any  
 3 such ballot cast under the preceding sentence shall be separated and held  
 4 apart from other provisional ballots cast by those not affected by the order.

5 **§ 1393. Computerized statewide voter registration list re-**  
 6 **quirements and requirements for voters who reg-**  
 7 **ister by mail**

8 (a) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIRE-  
 9 MENTS.—

10 (1) IMPLEMENTATION.—

11 (A) IN GENERAL.—Except as provided in subparagraph (B),  
 12 each State, acting through the chief State election official, shall  
 13 implement, in a uniform and nondiscriminatory manner, a single,  
 14 uniform, official, centralized, interactive computerized statewide  
 15 voter registration list defined, maintained, and administered at the  
 16 State level that contains the name and registration information of  
 17 every legally registered voter in the State and assigns a unique  
 18 identifier to each legally registered voter in the State (in this sub-  
 19 section referred to as the “computerized list”), and includes the  
 20 following:

21 (i) SINGLE SYSTEM FOR OFFICIAL LIST.—The computer-  
 22 ized list shall serve as the single system for storing and man-  
 23 aging the official list of registered voters throughout the  
 24 State.

25 (ii) ALL LEGALLY REGISTERED VOTERS.—The computer-  
 26 ized list contains the name and registration information of  
 27 every legally registered voter in the State.

28 (iii) UNIQUE IDENTIFIER.—Under the computerized list, a  
 29 unique identifier is assigned to each legally registered voter  
 30 in the State.

31 (iv) COORDINATION.—The computerized list shall be co-  
 32 ordinated with other agency databases within the State.

33 (v) ELECTRONIC ACCESS.—Any election official in the  
 34 State, including any local election official, may obtain imme-  
 35 diate electronic access to the information contained in the  
 36 computerized list.

37 (vi) EXPEDITED UPDATING.—All voter registration infor-  
 38 mation obtained by any local election official in the State  
 39 shall be electronically entered into the computerized list on an  
 40 expedited basis at the time the information is provided to the  
 41 local official.

1 (vii) SUPPORT PROVIDED BY CHIEF STATE ELECTION OFFI-  
 2 CIAL.—The chief State election official shall provide such sup-  
 3 port as may be required so that local election officials are  
 4 able to enter information as described in clause (vi).

5 (viii) OFFICIAL VOTER REGISTRATION LIST.—The comput-  
 6 erized list shall serve as the official voter registration list for  
 7 the conduct of all elections for Federal office in the State.

8 (B) EXCEPTION.—The requirement under subparagraph (A)  
 9 shall not apply to a State in which, under a State law in effect  
 10 continuously on and after October 29, 2002, there is no voter reg-  
 11 istration requirement for individuals in the State with respect to  
 12 elections for Federal office.

13 (2) COMPUTERIZED LIST MAINTENANCE.—

14 (A) IN GENERAL.—The appropriate State or local election offi-  
 15 cial shall perform list maintenance with respect to the comput-  
 16 ized list on a regular basis as follows:

17 (i) REMOVAL IN ACCORDANCE WITH CHAPTER 9 OF THIS  
 18 TITLE.—If an individual is to be removed from the comput-  
 19 ized list, such individual shall be removed in accordance with  
 20 chapter 9 of this title, including subsections (b)(4), (d)(2),  
 21 (e), and (f) of section 906 of this title.

22 (ii) COORDINATION WITH STATE AGENCY RECORDS.—For  
 23 purposes of removing names of ineligible voters from the offi-  
 24 cial list of eligible voters—

25 (I) under section 906(b)(3)(B) of this title, the State  
 26 shall coordinate the computerized list with State agency  
 27 records on felony status; and

28 (II) by reason of the death of the registrant under sec-  
 29 tion 906(b)(4)(A) of this title, the State shall coordinate  
 30 the computerized list with State agency records on death.

31 (iii) STATES WITH NO VOTER REGISTRATION REQUIREMENT  
 32 AND STATES ALLOWING VOTER REGISTRATION AT TIME AND  
 33 PLACE OF VOTING.—Notwithstanding the preceding provi-  
 34 sions of this subparagraph, if a State is described in section  
 35 902(b) of this title, that State shall remove the names of in-  
 36 eligible voters from the computerized list in accordance with  
 37 State law.

38 (B) CONDUCT.—The list maintenance performed under sub-  
 39 paragraph (A) shall be conducted in a manner that ensures that—

40 (i) the name of each registered voter appears in the com-  
 41 puterized list;

1 (ii) only voters who are not registered or who are not eligi-  
2 ble to vote are removed from the computerized list; and

3 (iii) duplicate names are eliminated from the computerized  
4 list.

5 (3) TECHNOLOGICAL SECURITY OF COMPUTERIZED LIST.—The ap-  
6 propriate State or local official shall provide adequate technological se-  
7 curity measures to prevent the unauthorized access to the computerized  
8 list established under this section.

9 (4) MINIMUM STANDARD FOR ACCURACY OF STATE VOTER REG-  
10 ISTRATION RECORDS.—The State election system shall include provi-  
11 sions to ensure that voter registration records in the State are accurate  
12 and are updated regularly, including the following:

13 (A) REASONABLE EFFORTS TO REMOVE REGISTRANTS WHO ARE  
14 INELIGIBLE TO VOTE.—A system of file maintenance that makes  
15 a reasonable effort to remove registrants who are ineligible to vote  
16 from the official list of eligible voters. Under such system, con-  
17 sistent with chapter 9 of this title, registrants who have not re-  
18 sponded to a notice and who have not voted in 2 consecutive gen-  
19 eral elections for Federal office shall be removed from the official  
20 list of eligible voters, except that no registrant may be removed  
21 solely by reason of a failure to vote.

22 (B) SAFEGUARDS TO PREVENT REMOVAL IN ERROR.—Safe-  
23 guards to ensure that eligible voters are not removed in error from  
24 the official list of eligible voters.

25 (5) VERIFICATION OF VOTER REGISTRATION INFORMATION.—

26 (A) REQUIRING PROVISION OF CERTAIN INFORMATION BY AP-  
27 PPLICANTS.—

28 (i) IN GENERAL.—Except as provided in clause (ii), not-  
29 withstanding any other provision of law, an application for  
30 voter registration for an election for Federal office may not  
31 be accepted or processed by a State unless the application in-  
32 cludes—

33 (I) in the case of an applicant who has been issued a  
34 current and valid driver's license, the applicant's driver's  
35 license number; or

36 (II) in the case of any other applicant (other than an  
37 applicant to whom clause (ii) applies), the last 4 digits  
38 of the applicant's social security number.

39 (ii) SPECIAL RULE FOR APPLICANTS WITHOUT DRIVER'S LI-  
40 CENSE OR SOCIAL SECURITY NUMBER.—If an applicant for  
41 voter registration for an election for Federal office has not

1           been issued a current and valid driver's license or a social se-  
 2           curity number, the State shall assign the applicant a number  
 3           which will serve to identify the applicant for voter registration  
 4           purposes. To the extent that the State has a computerized list  
 5           in effect under this subsection and the list assigns unique  
 6           identifying numbers to registrants, the number assigned  
 7           under this clause shall be the unique identifying number as-  
 8           signed under the list.

9           (iii) DETERMINATION OF VALIDITY OF NUMBERS PRO-  
 10          VIDED.—The State shall determine whether the information  
 11          provided by an individual is sufficient to meet the require-  
 12          ments of this subparagraph, in accordance with State law.

13 (B) REQUIREMENTS FOR STATE OFFICIALS.—

14          (i) SHARING INFORMATION IN DATABASES.—The chief  
 15          State election official and the official responsible for the State  
 16          motor vehicle authority of a State shall enter into an agree-  
 17          ment to match information in the database of the statewide  
 18          voter registration system with information in the database of  
 19          the motor vehicle authority to the extent required to enable  
 20          each such official to verify the accuracy of the information  
 21          provided on applications for voter registration.

22          (ii) AGREEMENTS WITH COMMISSIONER OF SOCIAL SECU-  
 23          RITY.—The official responsible for the State motor vehicle au-  
 24          thority shall enter into an agreement with the Commissioner  
 25          of Social Security under section 205(r)(8) of the Social Secu-  
 26          rity Act (42 U.S.C. 405(r)(8)).

27 (C) SPECIAL RULE FOR CERTAIN STATES.—In the case of a  
 28 State which is permitted to use social security numbers, and pro-  
 29 vides for the use of social security numbers, on applications for  
 30 voter registration, in accordance with section 7 of the Privacy Act  
 31 of 1974 (5 U.S.C. 552a note), the provisions of this paragraph  
 32 shall be optional.

33 (b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.—

34          (1) IN GENERAL.—Notwithstanding section 904(c) of this title and  
 35          subject to paragraph (3), a State shall, in a uniform and nondiscrim-  
 36          inatory manner, require an individual to meet the requirements of  
 37          paragraph (2) if—

38                  (A) the individual registered to vote in a jurisdiction by mail;  
 39                  and

40                  (B)(i) the individual has not previously voted in an election for  
 41                  Federal office in the State; or

1 (ii) the individual has not previously voted in such an election  
 2 in the jurisdiction and the jurisdiction is located in a State that  
 3 does not have a computerized list that complies with the require-  
 4 ments of subsection (a).

5 (2) REQUIREMENTS.—

6 (A) IN GENERAL.—An individual meets the requirements of this  
 7 paragraph if the individual—

8 (i) in the case of an individual who votes in person—

9 (I) presents to the appropriate State or local election  
 10 official a current and valid photo identification; or

11 (II) presents to the appropriate State or local election  
 12 official a copy of a current utility bill, bank statement,  
 13 government check, paycheck, or other government docu-  
 14 ment that shows the name and address of the voter; or

15 (ii) in the case of an individual who votes by mail, submits  
 16 with the ballot—

17 (I) a copy of a current and valid photo identification;  
 18 or

19 (II) a copy of a current utility bill, bank statement,  
 20 government check, paycheck, or other government docu-  
 21 ment that shows the name and address of the voter.

22 (B) FAIL-SAFE VOTING.—

23 (i) IN PERSON.—An individual who desires to vote in per-  
 24 son, but who does not meet the requirements of subparagraph  
 25 (A)(i), may cast a provisional ballot under section 1392(a) of  
 26 this title.

27 (ii) BY MAIL.—An individual who desires to vote by mail  
 28 but who does not meet the requirements of subparagraph  
 29 (A)(ii) may cast such a ballot by mail and the ballot shall be  
 30 counted as a provisional ballot in accordance with section  
 31 1392(a) of this title.

32 (3) INAPPLICABILITY.—Paragraph (1) shall not apply in the case of  
 33 a person—

34 (A) who registers to vote by mail under section 904 of this title  
 35 and submits as part of such registration either—

36 (i) a copy of a current and valid photo identification; or

37 (ii) a copy of a current utility bill, bank statement, govern-  
 38 ment check, paycheck, or government document that shows  
 39 the name and address of the voter;

40 (B)(i) who registers to vote by mail under section 904 of this  
 41 title and submits with such registration either—

- 1 (I) a driver's license number; or  
 2 (II) at least the last 4 digits of the individual's social secu-  
 3 rity number; and  
 4 (ii) with respect to whom a State or local election official  
 5 matches the information submitted under clause (i) with an exist-  
 6 ing State identification record bearing the same number, name  
 7 and date of birth as provided in such registration; or  
 8 (C) who is—  
 9 (i) entitled to vote by absentee ballot under chapter 7 of  
 10 this title;  
 11 (ii) provided the right to vote otherwise than in person  
 12 under section 502(b)(2)(B)(ii) of this title; or  
 13 (iii) entitled to vote otherwise than in person under any  
 14 other Federal law.

15 (4) CONTENTS OF MAIL-IN REGISTRATION FORM.—

- 16 (A) IN GENERAL.—The mail voter registration form developed  
 17 under section 904 of this title shall include the following:  
 18 (i) CITIZENSHIP QUESTION.—The question “Are you a cit-  
 19 izen of the United States of America?” and boxes for the ap-  
 20 plicant to check to indicate whether the applicant is or is not  
 21 a citizen of the United States.  
 22 (ii) AGE 18 ATTAINMENT QUESTION.—The question “Will  
 23 you be 18 years of age on or before election day?” and boxes  
 24 for the applicant to check to indicate whether or not the ap-  
 25 plicant will be 18 years of age or older on election day.  
 26 (iii) FORM APPLICABILITY STATEMENT.—The statement  
 27 “If you checked ‘no’ in response to either of these questions,  
 28 do not complete this form.”.  
 29 (iv) FIRST-TIME REGISTRATION ID REQUIREMENTS.—A  
 30 statement informing the individual that if the form is sub-  
 31 mitted by mail and the individual is registering for the first  
 32 time, the appropriate information required under this section  
 33 must be submitted with the mail-in registration form in order  
 34 to avoid the additional identification requirements upon vot-  
 35 ing for the first time.  
 36 (B) INCOMPLETE FORMS.—If an applicant for voter registration  
 37 fails to answer the question included on the mail voter registration  
 38 form pursuant to subparagraph (A)(i), the registrar shall notify  
 39 the applicant of the failure and provide the applicant with an op-  
 40 portunity to complete the form in a timely manner to allow for the

1 completion of the registration form prior to the next election for  
2 Federal office (subject to State law).

3 (5) CONSTRUCTION.—Nothing in this subsection shall be construed  
4 to require a State that was not required to comply with a provision of  
5 the National Voter Registration Act of 1993 before October 29, 2002,  
6 to comply with such a provision after October 29, 2002, or to comply  
7 with a corresponding provision in chapter 9 of this title.

8 (e) PERMITTED USE OF LAST 4 DIGITS OF SOCIAL SECURITY NUM-  
9 BERS.—The last 4 digits of a social security number described in sub-  
10 sections (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II) shall not be considered to be  
11 a social security number for purposes of section 7 of the Privacy Act of  
12 1974 (5 U.S.C. 552a note).

### 13 **§ 1394. Minimum requirements**

14 The requirements established by this subchapter are minimum require-  
15 ments and nothing in this subchapter shall be construed to prevent a State  
16 from establishing election technology and administration requirements that  
17 are more strict than the requirements established under this subchapter so  
18 long as such State requirements are not inconsistent with the Federal re-  
19 quirements under this subchapter or any law described in section 1423 of  
20 this title.

### 21 **§ 1395. Methods of implementation left to discretion of State**

22 The specific choices on the methods of complying with the requirements  
23 of this subchapter shall be left to the discretion of the State.

## 24 PART B—VOLUNTARY GUIDANCE

### 25 **§ 1401. Adoption of voluntary guidance by Commission**

26 (a) IN GENERAL.—To assist States in meeting the requirements of part  
27 A, the Commission shall adopt voluntary guidance consistent with such re-  
28 quirements in accordance with the procedures described in section 1402 of  
29 this title.

30 (b) QUADRENNIAL UPDATE.—The Commission shall review and update  
31 recommendations adopted with respect to section 1391 of this title no less  
32 frequently than once every 4 years.

### 33 **§ 1402. Process for adoption**

34 The adoption of the voluntary guidance under this part shall be carried  
35 out by the Commission in a manner that provides for each of the following:

36 (1) NOTICE OF PROPOSED RECOMMENDATIONS.—Publication of no-  
37 tice of the proposed recommendations in the Federal Register.

38 (2) COMMENT.—An opportunity for public comment on the proposed  
39 recommendations.

40 (3) HEARING ON THE RECORD.—An opportunity for a public hearing  
41 on the record.

1 (4) PUBLICATION.—Publication of the final recommendations in the  
2 Federal Register.

3 SUBCHAPTER IV—ENFORCEMENT

4 **§ 1405. Actions by the Attorney General for declaratory and**  
5 **injunctive relief**

6 The Attorney General may bring a civil action against any State or juris-  
7 diction in an appropriate United States District Court for such declaratory  
8 and injunctive relief (including a temporary restraining order, a permanent  
9 or temporary injunction, or other order) as may be necessary to carry out  
10 the uniform and nondiscriminatory election technology and administration  
11 requirements under sections 1391, 1392, and 1393 of this title.

12 **§ 1406. Establishment of State-based administrative com-**  
13 **plaint procedures to remedy grievances**

14 (a) ESTABLISHMENT OF PROCEDURES AS CONDITION OF RECEIVING  
15 FUNDS.—If a State receives any payment under a program under this chap-  
16 ter, the State shall be required to establish and maintain State-based ad-  
17 ministrative complaint procedures which meet the requirements of sub-  
18 section (b).

19 (b) REQUIREMENTS FOR PROCEDURES.—The requirements of this sub-  
20 section are as follows:

21 (1) UNIFORM AND NONDISCRIMINATORY.—The procedures shall be  
22 uniform and nondiscriminatory.

23 (2) ALLOW FILING OF COMPLAINTS.—Under the procedures, any  
24 person who believes that there is a violation of any provision of sub-  
25 chapter III (including a violation which has occurred, is occurring, or  
26 is about to occur) may file a complaint.

27 (3) COMPLAINTS REQUIRED TO BE IN WRITING AND NOTARIZED.—  
28 Any complaint filed under the procedures shall be in writing and nota-  
29 rized, and signed and sworn by the person filing the complaint.

30 (4) CONSOLIDATION.—The State may consolidate complaints filed  
31 under paragraph (2).

32 (5) HEARINGS.—At the request of the complainant, there shall be a  
33 hearing on the record.

34 (6) REMEDY.—If, under the procedures, the State determines that  
35 there is a violation of any provision of subchapter III, the State shall  
36 provide the appropriate remedy.

37 (7) DISMISSAL.—If, under the procedures, the State determines that  
38 there is no violation, the State shall dismiss the complaint and publish  
39 the results of the procedures.

40 (8) DETERMINATION WITHIN 90 DAYS.—The State shall make a final  
41 determination with respect to a complaint prior to the expiration of the

1 90-day period which begins on the date the complaint is filed, unless  
 2 the complainant consents to a longer period for making such a deter-  
 3 mination.

4 (9) ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.—If the State  
 5 fails to meet the deadline applicable under paragraph (8), the com-  
 6 plaint shall be resolved within 60 days under alternative dispute resolu-  
 7 tion procedures established for purposes of this section. The record and  
 8 other materials from any proceedings conducted under the complaint  
 9 procedures established under this section shall be made available for  
 10 use under the alternative dispute resolution procedures.

#### 11 SUBCHAPTER V—HELP AMERICA VOTE COLLEGE PROGRAM

##### 12 § 1411. Definition of Program

13 In this subchapter, the term “Program” means the Help America Vote  
 14 College Program established under section 1412 of this title.

##### 15 § 1412. Establishment of Program

16 (a) IN GENERAL.—The Commission shall develop a program to be known  
 17 as the “Help America Vote College Program”.

18 (b) PURPOSE OF PROGRAM.—The purpose of the Program shall be—

19 (1) to encourage students enrolled at institutions of higher education  
 20 (including community colleges) to assist State and local governments  
 21 in the administration of elections by serving as nonpartisan poll work-  
 22 ers or assistants; and

23 (2) to encourage State and local governments to use the services of  
 24 the students participating in the Program.

##### 25 § 1413. Activities under Program

26 (a) IN GENERAL.—In carrying out the Program, the Commission (in con-  
 27 sultation with the chief election official of each State) shall develop mate-  
 28 rials, sponsor seminars and workshops, engage in advertising targeted at  
 29 students, make grants, and take such other actions as it considers appro-  
 30 priate to meet the purpose described in section 1412(b) of this title.

31 (b) REQUIREMENTS FOR GRANT RECIPIENTS.—In making grants under  
 32 the Program, the Commission shall ensure—

33 (1) that the funds provided are spent for projects and activities  
 34 which are carried out—

35 (A) without partisan bias; and

36 (B) without promoting any particular point of view regarding  
 37 any issue; and

38 (2) that each recipient is governed in a balanced manner which does  
 39 not reflect any partisan bias.

40 (c) COORDINATION WITH INSTITUTIONS OF HIGHER EDUCATION.—The  
 41 Commission shall encourage institutions of higher education (including com-

1 munity colleges) to participate in the Program, and shall make all necessary  
 2 materials and other assistance (including materials and assistance to enable  
 3 the institution to hold workshops and poll worker training sessions) avail-  
 4 able without charge to any institution which desires to participate in the  
 5 Program.

6 **§ 1414. Authorization of appropriations**

7 There are authorized to be appropriated to carry out this subchapter such  
 8 sums as may be necessary for each fiscal year.

9 SUBCHAPTER VI—MISCELLANEOUS PROVISIONS

10 **§ 1421. Audits and repayment of funds**

11 (a) RECORDKEEPING REQUIREMENT.—Each recipient of a grant or other  
 12 payment made under this chapter shall keep such records with respect to  
 13 the payment as are consistent with sound accounting principles, including  
 14 records which fully disclose the amount and disposition by such recipient of  
 15 funds, the total cost of the project or undertaking for which such funds are  
 16 used, and the amount of that portion of the cost of the project or under-  
 17 taking supplied by other sources, and such other records as will facilitate  
 18 an effective audit.

19 (b) AUDITS AND EXAMINATIONS.—

20 (1) AUDITS AND EXAMINATIONS.—Except as provided in paragraph  
 21 (5), each office making a grant or other payment under this chapter,  
 22 or any duly authorized representative of such office, may audit or ex-  
 23 amine any recipient of the grant or payment and shall have access for  
 24 the purpose of audit and examination to any books, documents, papers,  
 25 and records of the recipient which in the opinion of the entity may be  
 26 related or pertinent to the grant or payment.

27 (2) RECIPIENTS OF ASSISTANCE SUBJECT TO SECTION.—This sec-  
 28 tion shall apply to all recipients of grants or other payments under this  
 29 chapter, whether by direct grant, cooperative agreement, or contract  
 30 under this chapter or by subgrant or subcontract from primary grant-  
 31 ees or contractors under this chapter.

32 (3) MANDATORY AUDIT.—In addition to audits conducted pursuant  
 33 to paragraph (1), all funds provided under this chapter shall be subject  
 34 to mandatory audit by the Comptroller General at least once during the  
 35 lifetime of the program involved. For purposes of an audit under this  
 36 paragraph, the Comptroller General shall have access to books, docu-  
 37 ments, papers, and records of recipients of funds in the same manner  
 38 as the office making the grant or payment involved has access to such  
 39 books, documents, papers, and records under paragraph (1).

40 (4) SPECIAL RULE FOR PAYMENTS BY GENERAL SERVICES ADMINIS-  
 41 TRATION.—With respect to any grant or payment made under this

1 chapter by the Administrator of General Services, the Commission shall  
 2 be deemed to be the office making the grant or payment for purposes  
 3 of this section.

4 (5) SPECIAL RULE.—In the case of grants or payments made under  
 5 section 1355 of this title, audits and examinations conducted under  
 6 paragraph (1) shall be performed on a regular basis (as determined by  
 7 the Commission).

8 (6) SPECIAL RULES FOR AUDITS BY THE COMMISSION.—In addition  
 9 to the audits described in paragraph (1), the Commission may conduct  
 10 a special audit or special examination of a recipient described in para-  
 11 graph (1) upon a vote of the Commission.

12 (c) RECOUPMENT OF FUNDS.—If the Comptroller General determines as  
 13 a result of an audit conducted under subsection (b) that—

14 (1) a recipient of funds under this chapter is not in compliance with  
 15 each of the requirements of the program under which the funds are  
 16 provided; or

17 (2) an excess payment has been made to the recipient under the pro-  
 18 gram,

19 the recipient shall pay to the office which made the grant or payment in-  
 20 volved a portion of the funds provided which reflects the proportion of the  
 21 requirements with which the recipient is not in compliance, or the extent  
 22 to which the payment is in excess, under the program involved.

### 23 **§ 1422. Criminal penalties**

24 (a) CONSPIRACY TO DEPRIVE VOTERS OF A FAIR ELECTION.—Any indi-  
 25 vidual who knowingly and willfully gives false information in registering or  
 26 voting in violation of section 317(e) of this title, or conspires with another  
 27 to violate such section, shall be fined, imprisoned, or both, in accordance  
 28 with such section.

29 (b) FALSE INFORMATION IN REGISTERING AND VOTING.—Any individual  
 30 who knowingly commits fraud or knowingly makes a false statement with  
 31 respect to the naturalization, citizenry, or alien registry of such individual  
 32 in violation of section 1015 of title 18 shall be fined, imprisoned, or both,  
 33 in accordance with such section.

### 34 **§ 1423. No effect on other provisions**

35 (a) IN GENERAL.—Except as specifically provided in section 1393(b) of  
 36 this title with regard to chapter 9 of this title, nothing in this chapter may  
 37 be construed to authorize or require conduct prohibited under any of the  
 38 following provisions, or to supersede, restrict, or limit the application of  
 39 such provisions:

40 (1) Chapter 3 of this title.

41 (2) Chapter 5 of this title.

- 1           (3) Chapter 7 of this title.  
 2           (4) Chapter 9 of this title.  
 3           (5) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101  
 4       et seq.).  
 5           (6) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).  
 6       (b) NO EFFECT ON PRECLEARANCE OR OTHER REQUIREMENTS UNDER  
 7       CHAPTER 3 OF THIS TITLE.—The approval by the Administrator of Gen-  
 8       eral Services or the Commission of a payment or grant application under  
 9       subchapter II or under title I or title II of the Help America Vote Act of  
 10       2002 (Public Law 107–252, 116 Stat. 1668), or any other action taken by  
 11       the Commission or a State under such provisions, shall not be considered  
 12       to have any effect on requirements for preclearance under section 314 of  
 13       this title or any other requirements of chapter 3 of this title.

#### 14                           **CHAPTER 15—PRESIDENTIAL ELECTIONS**

Sec.

1501. Definitions.  
 1502. Time of appointing electors.  
 1503. Failure to make choice on prescribed day.  
 1504. Number of electors.  
 1505. Vacancies in electoral college.  
 1506. Determination of controversy as to appointment of electors.  
 1507. Credentials of electors; transmission to Archivist of the United States and to Congress;  
       public inspection.  
 1508. Meeting and vote of electors.  
 1509. Manner of voting.  
 1510. Certificates of votes for President and Vice President.  
 1511. Sealing and endorsing certificates.  
 1512. Disposition of certificates.  
 1513. Failure of certificates of electors to reach President of the Senate or Archivist of the  
       United States; demand on State for certificate.  
 1514. Same; demand on district judge for certificate.  
 1515. Forfeiture for messenger's neglect of duty.  
 1516. Counting electoral votes in Congress.  
 1517. Same; seats for officers and Members of two Houses in joint meeting.  
 1518. Same; limit of debate in each House.  
 1519. Same; parliamentary procedure at joint meeting.

15

#### 16                           **CHAPTER 17—ELECTION OF SENATORS AND** 17                           **REPRESENTATIVES**

##### SUBCHAPTER I—SENATORS

Sec.

1701. Time of election.  
 1702. Certification of election.

##### SUBCHAPTER II—REPRESENTATIVES

1711. Time of election.  
 1712. Time of election to fill vacancies.  
 1713. Voting for Representatives.  
 1714. Reapportionment.  
 1715. Number of Representatives from each State.  
 1716. Number of Congressional Districts and number of Representatives from each District.  
 1717. Nominations for Representatives at large.  
 1718. Reduction of representation.

## SUBCHAPTER I—SENATORS

**§ 1701. Time of election**

At the regular election held in any State next preceding the expiration of the term for which any Senator was elected to represent such State in Congress, at which election a Representative to Congress is regularly by law to be chosen, a United States Senator from said State shall be elected by the people thereof for the term commencing on the third day of January next thereafter.

**§ 1702. Certification of election**

(a) ELECTION TO BE CERTIFIED BY GOVERNOR.—It shall be the duty of the executive of the State from which any Senator has been chosen to certify the Senator's election, under the seal of the State, to the President of the Senate of the United States.

(b) COUNTERSIGNATURE OF CERTIFICATE OF ELECTION.—The certificate mentioned in subsection (a) shall be countersigned by the secretary of state of the State.

## SUBCHAPTER II—REPRESENTATIVES

**§ 1711. Time of election**

The Tuesday next after the first Monday in November, in every even numbered year, is established as the day for the election, in each of the States and Territories of the United States, of Representatives and Delegates to the Congress commencing on the third day of January next thereafter.

**§ 1712. Time of election to fill vacancies**

(a) IN GENERAL.—Except as provided in subsection (b), the time for holding elections in any State, District, or Territory for a Representative or Delegate to fill a vacancy, whether such vacancy is caused by a failure to elect at the time prescribed by law, or by the death, resignation, or incapacity of a person elected, may be prescribed by the laws of the several States and Territories respectively.

(b) SPECIAL RULES IN EXTRAORDINARY CIRCUMSTANCES.—

(1) IN GENERAL.—In extraordinary circumstances, the executive authority of any State in which a vacancy exists in its representation in the House of Representatives shall issue a writ of election to fill such vacancy by special election.

(2) TIMING OF SPECIAL ELECTION.—A special election held under this subsection to fill a vacancy shall take place not later than 49 days after the Speaker of the House of Representatives announces that the vacancy exists, unless, during the 75-day period which begins on the date of the announcement of the vacancy—

1 (A) a regularly scheduled general election for the office involved  
2 is to be held; or

3 (B) another special election for the office involved is to be held,  
4 pursuant to a writ for a special election issued by the chief execu-  
5 tive of the State prior to the date of the announcement of the va-  
6 cancy.

7 (3) NOMINATIONS BY PARTIES.—If a special election is to be held  
8 under this subsection, the determination of the candidates who will run  
9 in such election shall be made—

10 (A) by nominations made not later than 10 days after the  
11 Speaker announces that the vacancy exists by the political parties  
12 of the State that are authorized by State law to nominate can-  
13 didates for the election; or

14 (B) by any other method the State considers appropriate, in-  
15 cluding holding primary elections, that will ensure that the State  
16 will hold the special election within the deadline required under  
17 paragraph (2).

18 (4) EXTRAORDINARY CIRCUMSTANCES.—

19 (A) IN GENERAL.—In this subsection, “extraordinary cir-  
20 cumstances” occur when the Speaker of the House of Representa-  
21 tives announces that vacancies in the representation from the  
22 States in the House exceed 100.

23 (B) JUDICIAL REVIEW.—If any action is brought for declaratory  
24 or injunctive relief to challenge an announcement made under sub-  
25 paragraph (A), the following rules shall apply:

26 (i) TIME AND PLACE FOR FILING AND 3-JUDGE COURT.—  
27 Not later than 2 days after the announcement, the action  
28 shall be filed in the United States District Court having juris-  
29 diction in the district of the Member of the House of Rep-  
30 resentatives whose seat has been announced to be vacant and  
31 shall be heard by a 3-judge court convened pursuant to sec-  
32 tion 2284 of title 28.

33 (ii) COPY OF COMPLAINT TO CLERK OF THE HOUSE.—A  
34 copy of the complaint shall be delivered promptly to the Clerk  
35 of the House of Representatives.

36 (iii) FINAL NONREVIEWABLE DECISION WITHIN 3 DAYS.—  
37 A final decision in the action shall be made within 3 days of  
38 the filing of such action and shall not be reviewable.

39 (iv) RIGHT TO INTERVENE.—The executive authority of the  
40 State that contains the district of the Member of the House  
41 of Representatives whose seat has been announced to be va-

1 cant shall have the right to intervene either in support of or  
 2 opposition to the position of a party to the case regarding the  
 3 announcement of such vacancy.

4 (5) PROTECTING ABILITY OF ABSENT MILITARY AND OVERSEAS VOT-  
 5 ERS TO PARTICIPATE IN SPECIAL ELECTIONS.—

6 (A) DEADLINE FOR TRANSMITTAL OF ABSENTEE BALLOTS.—In  
 7 conducting a special election held under this subsection to fill a  
 8 vacancy in its representation, the State shall ensure to the great-  
 9 est extent practicable (including through the use of electronic  
 10 means) that absentee ballots for the election are transmitted to  
 11 absent uniformed services voters and overseas voters (as such  
 12 terms are defined in section 701 of this title) not later than 15  
 13 days after the Speaker of the House of Representatives announces  
 14 that the vacancy exists.

15 (B) PERIOD FOR BALLOT TRANSIT TIME.—Notwithstanding the  
 16 deadlines referred to in paragraphs (2) and (3), in the case of an  
 17 individual who is an absent uniformed services voter or an over-  
 18 seas voter (as such terms are defined in section 701 of this title),  
 19 a State shall accept and process any otherwise valid ballot or other  
 20 election material from the voter so long as the ballot or other ma-  
 21 terial is received by the appropriate State election official not later  
 22 than 45 days after the State transmits the ballot or other material  
 23 to the voter.

24 (6) APPLICATION TO DISTRICT OF COLUMBIA AND TERRITORIES.—  
 25 This subsection shall apply—

26 (A) to a Delegate or Resident Commissioner to Congress in the  
 27 same manner as it applies to a Member of the House of Rep-  
 28 resentatives; and

29 (B) to the District of Columbia, Puerto Rico, American Samoa,  
 30 Guam, and the United States Virgin Islands in the same manner  
 31 as it applies to a State, except that a vacancy in the representa-  
 32 tion from any such jurisdiction in the House shall not be taken  
 33 into account by the Speaker in determining whether vacancies in  
 34 the representation from the States in the House exceed 100 for  
 35 purposes of paragraph (4)(A).

36 (7) RULE OF CONSTRUCTION REGARDING FEDERAL ELECTION  
 37 LAWS.—Nothing in this subsection may be construed to affect the ap-  
 38 plication to special elections under this subsection of any Federal law  
 39 governing the administration of elections for Federal office (including  
 40 any law providing for the enforcement of any such law), including the  
 41 following:

- 1 (A) Chapter 3 of this title.  
 2 (B) Chapter 5 of this title.  
 3 (C) Chapter 7 of this title.  
 4 (D) Chapter 9 of this title.  
 5 (E) The Americans With Disabilities Act of 1990 (42 U.S.C.  
 6 12101 et seq.).  
 7 (F) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).  
 8 (G) Chapter 13 of this title.

9 **§ 1713. Voting for Representatives**

10 All votes for Representatives in Congress must be by written or printed  
 11 ballot, or voting machine the use of which has been duly authorized by the  
 12 State law; and all votes received or recorded contrary to this section shall  
 13 be of no effect.

14 **§ 1714. Reapportionment**

15 (a) STATEMENT SHOWING NUMBER OF PERSONS IN STATES AND NUM-  
 16 BER OF REPRESENTATIVES TO WHICH STATES ENTITLED.—On the first  
 17 day, or within one week thereafter, of the first regular session of the 82d  
 18 Congress and of each fifth Congress thereafter, the President shall transmit  
 19 to Congress a statement showing the whole number of persons in each  
 20 State, excluding Indians not taxed, as ascertained under the 17th and each  
 21 subsequent decennial census of the population, and the number of Rep-  
 22 representatives to which each State would be entitled under an apportionment  
 23 of the then existing number of Representatives by the method known as the  
 24 method of equal proportions, no State to receive less than one Member.

25 (b) NUMBER OF REPRESENTATIVES TO WHICH STATES ENTITLED AND  
 26 CERTIFICATES TO STATE EXECUTIVES.—Each State shall be entitled, in  
 27 the 83d Congress and in each Congress thereafter until the taking effect  
 28 of a reapportionment under this section or subsequent statute, to the num-  
 29 ber of Representatives shown in the statement required by subsection (a),  
 30 no State to receive less than one Member. It shall be the duty of the Clerk  
 31 of the House of Representatives, within 15 calendar days after the receipt  
 32 of such statement, to send to the executive of each State a certificate of  
 33 the number of Representatives to which such State is entitled under this  
 34 section. In case of a vacancy in the office of Clerk, or of absence or inability  
 35 to discharge this duty, then such duty shall devolve upon the Sergeant at  
 36 Arms of the House of Representatives.

37 (c) MANNER OF ELECTION OF REPRESENTATIVES PENDING REDIS-  
 38 TRICTING AFTER APPORTIONMENT.—Until a State is redistricted in the  
 39 manner provided by the law thereof after any apportionment, the Represent-  
 40 atives to which such State is entitled under such apportionment shall be  
 41 elected in the following manner:

1 (1) NO CHANGE IN NUMBER OF REPRESENTATIVES.—If there is no  
 2 change in the number of Representatives, they shall be elected from the  
 3 districts then prescribed by the law of such State, and if any of them  
 4 are elected from the State at large they shall continue to be so elected.

5 (2) INCREASE IN NUMBER OF REPRESENTATIVES.—If there is an in-  
 6 crease in the number of Representatives, such additional Representa-  
 7 tive or Representatives shall be elected from the State at large and the  
 8 other Representatives from the districts then prescribed by the law of  
 9 such State.

10 (3) DECREASE IN NUMBER OF REPRESENTATIVES BUT NUMBER OF  
 11 DISTRICTS EQUALS NUMBER OF REPRESENTATIVES.—If there is a de-  
 12 crease in the number of Representatives but the number of districts in  
 13 such State is equal to such decreased number of Representatives, they  
 14 shall be elected from the districts then prescribed by the law of such  
 15 State.

16 (4) DECREASE IN NUMBER OF REPRESENTATIVES BUT NUMBER OF  
 17 DISTRICTS IS LESS THAN NUMBER OF REPRESENTATIVES.—If there is  
 18 a decrease in the number of Representatives but the number of dis-  
 19 tricts in such State is less than such number of Representatives, the  
 20 number of Representatives by which such number of districts is exceed-  
 21 ed shall be elected from the State at large and the other Representa-  
 22 tives from the districts then prescribed by the law of such State.

23 (5) DECREASE IN NUMBER OF REPRESENTATIVES AND NUMBER OF  
 24 DISTRICTS EXCEEDS NUMBER OF REPRESENTATIVES.—If there is a de-  
 25 crease in the number of Representatives and the number of districts  
 26 in such State exceeds such decreased number of Representatives, they  
 27 shall be elected from the State at large.

28 **§ 1715. Number of Representatives from each State**

29 Each State shall be entitled, in the 78th and in each Congress thereafter  
 30 until the taking effect of a reapportionment under a subsequent statute or  
 31 section 1714 of this title, to the number of Representatives shown in the  
 32 statement transmitted to Congress on January 8, 1941, based upon the  
 33 method known as the method of equal proportions, no State to receive less  
 34 than one Member.

35 **§ 1716. Number of Congressional Districts and number of**  
 36 **Representatives from each District**

37 In each State entitled in the 91st Congress or in any subsequent Con-  
 38 gress thereafter to more than one Representative under an apportionment  
 39 made pursuant to section 1714(a) of this title, there shall be established by  
 40 law a number of districts equal to the number of Representatives to which

1 such State is so entitled, and Representatives shall be elected only from dis-  
 2 tricts so established, no district to elect more than one Representative.

3 **§ 1717. Nominations for Representatives at large**

4 Candidates for Representative or Representatives to be elected at large  
 5 in any State shall be nominated in the same manner as candidates for gov-  
 6 ernor, unless otherwise provided by the laws of such State.

7 **§ 1718. Reduction of representation**

8 Should any State deny or abridge the right of any of the male inhabitants  
 9 thereof, being 21 years of age, and citizens of the United States, to vote  
 10 at any election named in the amendment to the Constitution, article 14, sec-  
 11 tion 2, except for participation in the rebellion or other crime, the number  
 12 of Representatives apportioned to such State shall be reduced in the propor-  
 13 tion which the number of such male citizens shall have to the whole number  
 14 of male citizens 21 years of age in such State.

15 **CHAPTER 19—CONTESTED ELECTIONS**

Sec.

- 1901. Definitions.
- 1902. Notice of contest.
- 1903. Response of contestee.
- 1904. Service and filing of papers other than notice of contest.
- 1905. Default of contestee.
- 1906. Deposition.
- 1907. Notice of depositions.
- 1908. Subpoena for attendance at deposition.
- 1909. Officer and witness fees.
- 1910. Penalty for failure to appear, testify, or produce documents.
- 1911. Certification and filing of depositions.
- 1912. Record.
- 1913. Filing of pleadings, motions, depositions, appendixes, briefs, and other papers.
- 1914. Computation of time.
- 1915. Death of contestant.
- 1916. Allowance of party's expenses.

16 **§ 1901. Definitions**

17 In this chapter:

- 18 (1) CANDIDATE.—The term “candidate” means an individual—
- 19 (A) whose name is printed on the official ballot for election to  
 20 the office of Representative in, or Delegate or Resident Commis-  
 21 sioner to, Congress; or
- 22 (B) notwithstanding that the individual's name is not printed on  
 23 such ballot, who seeks election to the office of Representative in,  
 24 or Delegate or Resident Commissioner to, Congress by write-in  
 25 votes, provided that the individual is qualified for such office and  
 26 that, under the law of the State in which the congressional district  
 27 is located, write-in voting for such office is permitted and the indi-  
 28 vidual is eligible to receive write-in votes in such election.
- 29 (2) CLERK.—The term “Clerk” means the Clerk of the House of  
 30 Representatives.

1 (3) COMMITTEE.—The term “committee” means the Committee on  
2 House Administration of the House of Representatives.

3 (4) CONTESTANT.—The term “contestant” means an individual who  
4 contests the election of a Member of the House of Representatives  
5 under this chapter.

6 (5) CONTESTEE.—The term “contestee” means a Member of the  
7 House of Representatives whose election is contested under this chap-  
8 ter.

9 (6) ELECTION.—The term “election” means an official general or  
10 special election to choose a Representative in, or Delegate or Resident  
11 Commissioner to, Congress, but that term does not include a primary  
12 election, or a caucus or convention of a political party.

13 (7) MEMBER OF THE HOUSE OF REPRESENTATIVES.—The term  
14 “Member of the House of Representatives” means an incumbent Rep-  
15 resentative in, or Delegate or Resident Commissioner to, Congress, or  
16 an individual who has been elected to such office but has not taken the  
17 oath of office.

18 (8) STATE.—The term “State” means a State of the United States  
19 and any territory or possession of the United States.

20 (9) WRITE-IN VOTE.—The term “write-in vote” means a vote cast  
21 for a person whose name does not appear on the official ballot by writ-  
22 ing in the name of such person on such ballot or by any other method  
23 prescribed by the law of the State in which the election is held.

24 **§ 1902. Notice of contest**

25 (a) FILING OF NOTICE.—Whoever, having been a candidate for election  
26 in the last preceding election and claiming a right to such office, intends  
27 to contest the election of a Member of the House of Representatives, shall,  
28 within 30 days after the result of such election has been declared by the  
29 officer of Board of Canvassers authorized by law to declare such result, file  
30 with the Clerk and serve upon the contestee written notice of intention to  
31 contest such election.

32 (b) CONTENTS AND FORM OF NOTICE.—Such notice shall state with par-  
33 ticularity the grounds upon which contestant contests the election and shall  
34 state that an answer thereto must be served upon contestant under section  
35 1903 of this title within 30 days after service of such notice. Such notice  
36 shall be signed by contestant and verified by contestant’s oath or affirma-  
37 tion.

38 (c) SERVICE OF NOTICE AND PROOF OF SERVICE.—

39 (1) SERVICE OF NOTICE.—Service of the notice of contest upon  
40 contestee shall be made by any of the following methods:

41 (A) PERSONAL.—By delivering a copy to contestee personally.

1 (B) HOME.—By leaving a copy at contestee's dwelling house or  
 2 usual place of abode with a person of discretion not less than 16  
 3 years of age then residing therein.

4 (C) OFFICE.—By leaving a copy at contestee's principal office  
 5 or place of business with some person then in charge thereof.

6 (D) AGENT.—By delivering a copy to an agent authorized by  
 7 appointment to receive service of such notice.

8 (E) MAIL.—By mailing a copy by registered or certified mail  
 9 addressed to contestee at contestee's residence or principal office  
 10 or place of business. Service by mail is complete upon mailing.

11 (2) PROOF OF SERVICE.—The verified return by the person serving  
 12 such notice, setting forth the time and manner of such service, shall  
 13 be proof of same. The return post office receipt shall be proof of the  
 14 service of said notice mailed by registered or certified mail. Proof of  
 15 service shall be made to the Clerk promptly and in any event within  
 16 the time during which the contestee must answer the notice of contest.  
 17 Failure to make proof of service does not affect the validity of the serv-  
 18 ice.

19 **§ 1903. Response of contestee**

20 (a) ANSWER.—Any contestee upon whom a notice of contest as described  
 21 in section 1902 of this title shall be served, shall, within 30 days after the  
 22 service thereof, serve upon contestant a written answer to such notice, ad-  
 23 mitting or denying the averments upon which contestant relies. If contestee  
 24 is without knowledge or information sufficient to form a belief as to the  
 25 truth of an averment, the contestee shall so state and this shall have the  
 26 effect of a denial. Such answer shall set forth affirmatively any other de-  
 27 fenses, in law or fact, on which contestee relies. Contestee shall sign and  
 28 verify such answer by oath or affirmation.

29 (b) DEFENSES BY MOTION PRIOR TO ANSWER.—At the option of  
 30 contestee, the following defenses may be made by motion served upon con-  
 31 testant prior to contestee's answer:

32 (1) Insufficiency of service of notice of contest.

33 (2) Lack of standing of contestant.

34 (3) Failure of notice of contest to state grounds sufficient to change  
 35 result of election.

36 (4) Failure of contestant to claim right to contestee's seat.

37 (c) MOTION FOR MORE DEFINITE STATEMENT.—If a notice of contest  
 38 to which an answer is required is so vague or ambiguous that the contestee  
 39 cannot reasonably be required to frame a responsive answer, the contestee  
 40 may move for a more definite statement before interposing an answer. The  
 41 motion shall point out the defects complained of and the details desired. If

1 the motion is granted and the order of the committee is not obeyed within  
 2 10 days after notice of the order or within such other time as the committee  
 3 may fix, the committee may dismiss the action, or make such order as it  
 4 deems just.

5 (d) TIME FOR SERVING ANSWER AFTER SERVICE OF MOTION.—Service  
 6 of a motion permitted under this section alters the time for serving the an-  
 7 swer as follows, unless a different time is fixed by order of the committee:

8 (1) MOTION DENIED OR POSTPONEMENT.—If the committee denies  
 9 the motion or postpones its disposition until the hearing on the merits,  
 10 the answer shall be served within 10 days after notice of such action.

11 (2) MOTION FOR MORE DEFINITE STATEMENT GRANTED.—If the  
 12 committee grants a motion for a more definite statement the answer  
 13 shall be served within 10 days after service of the more definite state-  
 14 ment.

15 **§ 1904. Service and filing of papers other than notice of con-**  
 16 **test**

17 (a) MODES OF SERVICE.—Except for the notice of contest, every paper  
 18 required to be served shall be served upon the attorney representing the  
 19 party, or, if the party is not represented by an attorney, upon the party.  
 20 Service upon the attorney or upon the party shall be made by any of the  
 21 following methods:

22 (1) PERSONAL.—By delivering a copy to the attorney (or, if the  
 23 party is not represented, to the party) personally.

24 (2) OFFICE OR HOME.—By leaving a copy at the attorney's (or, if  
 25 the party is not represented, at the party's) principal office with some  
 26 person then in charge thereof. If the office is closed or the person to  
 27 be served has no office, by leaving a copy at the person's dwelling  
 28 house or usual place of abode with a person of discretion not less than  
 29 16 years of age then residing therein.

30 (3) MAIL.—By mailing a copy addressed to the person to be served  
 31 at the person's residence or principal office. Service by mail is complete  
 32 upon mailing.

33 (b) FILING OF PAPERS WITH CLERK.—All papers subsequent to the no-  
 34 tice of contest required to be served upon the opposing party shall be filed  
 35 with the Clerk either before service or within a reasonable time thereafter.

36 (c) PROOF OF SERVICE.—Papers filed subsequent to the notice of contest  
 37 shall be accompanied by proof of service showing the time and manner of  
 38 service, made by affidavit of the person making service or by certificate of  
 39 an attorney representing the party in whose behalf service is made. Failure  
 40 to make proof of service does not affect the validity of such service.

**§ 1905. Default of contestee**

The failure of contestee to answer the notice of contest or to otherwise defend as provided by this chapter shall not be deemed an admission of the truth of the averments in the notice of contest. Notwithstanding such failure, the burden is upon contestant to prove that the election results entitle the contestant to contestee's seat.

**§ 1906. Deposition**

(a) ORAL EXAMINATION.—Either party may take the testimony of any person, including the opposing party, by deposition upon oral examination for the purpose of discovery or for use as evidence in the contested election case, or for both purposes. Depositions shall be taken only within the time for the taking of testimony prescribed in this section.

(b) SCOPE OF EXAMINATION.—Witnesses may be examined regarding any matter, not privileged, which is relevant to the subject matter involved in the pending contested election case, whether it relates to the claim or defense of the examining party or the claim or defense of the opposing party, including the existence, description, nature, custody, condition and location of any books, papers, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts. After the examining party has examined the witness the opposing party may cross examine.

(c) ORDER AND TIME OF TAKING TESTIMONY.—The order in which the parties may take testimony shall be as follows:

(1) CONTESTANT.—Contestant may take testimony within 30 days after service of the answer, or, if no answer is served within the time provided in section 1903 of this title, within 30 days after the time for answer has expired.

(2) CONTESTEE.—Contestee may take testimony within 30 days after contestant's time for taking testimony has expired.

(3) CONTESTANT REBUTTAL.—If contestee has taken any testimony or has filed testimonial affidavits or stipulations under section 1907(c) of this title, contestant may take rebuttal testimony within 10 days after contestee's time for taking testimony has expired.

(d) OFFICER BEFORE WHOM TESTIMONY MAY BE TAKEN.—Testimony shall be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held.

(e) SUBPOENA.—Attendance of witnesses may be compelled by subpoena as provided in section 1908 of this title.

(f) TAKING OF TESTIMONY BY PARTY OR PARTY'S AGENT.—At the taking of testimony, a party may appear and act in person, or by the party's agent or attorney.

1 (g) EXAMINATION AND RECORDATION.—The officer before whom testi-  
2 mony is to be taken shall put the witness under oath and shall personally,  
3 or by someone acting under the officer's direction and in the officer's pres-  
4 ence, record the testimony of the witness. The testimony shall be taken  
5 stenographically and transcribed. All objections made at the time of exam-  
6 ination to the qualifications of the officer taking the deposition, or to the  
7 manner of taking it, or to the evidence presented, or the conduct of any  
8 party, and any other objection to the proceedings, shall be noted by the offi-  
9 cer upon the deposition. Evidence objected to shall be taken subject to the  
10 objections. In lieu of participating in the oral examination, a party served  
11 with a notice of deposition may transmit written interrogatories to the offi-  
12 cer, who shall propound them to the witness and record the answers ver-  
13 batim.

14 (h) TRANSCRIBED TESTIMONY.—When the testimony is fully transcribed,  
15 the deposition shall be submitted to the witness for examination and shall  
16 be read to or by the witness, unless such examination and reading are  
17 waived by the witness and the parties. Any changes in the form or sub-  
18 stance which the witness desires to make shall be entered upon the deposi-  
19 tion by the officer with a statement of the reasons given by the witness for  
20 making them. The deposition shall be signed by the witness, unless the par-  
21 ties by stipulation waive the signing or the witness is ill or cannot be found  
22 or refuses to sign. If the deposition is not signed by the witness, the officer  
23 shall sign it and note on the deposition the fact of the waiver or of the ill-  
24 ness or the absence of the witness or the fact of refusal to sign together  
25 with the reason, if any, given for refusal to sign. The deposition may then  
26 be used as fully as though signed, unless on a motion to suppress, the com-  
27 mittee rules that the reasons given for the refusal to sign require rejection  
28 of the deposition in whole or in part.

29 **§ 1907. Notice of depositions**

30 (a) TIME FOR SERVICE.—A party desiring to take the deposition of any  
31 person upon oral examination shall serve written notice on the opposing  
32 party not later than 2 days before the date of the examination. The notice  
33 shall state the time and place for taking the deposition and the name and  
34 address of each person to be examined. A copy of such notice, together with  
35 proof of such service thereof, shall be attached to the deposition when it is  
36 filed with the Clerk.

37 (b) TESTIMONY BY STIPULATION.—By written stipulation of the parties,  
38 the deposition of a witness may be taken without notice. A copy of such  
39 stipulation shall be attached to the deposition when it is filed with the  
40 Clerk.

1 (c) TESTIMONY BY AFFIDAVIT.—By written stipulation of the parties, the  
2 testimony of any witness of either party may be filed in the form of an affi-  
3 davit by such witness or the parties may agree what a particular witness  
4 would testify to if his deposition were taken. Such testimonial affidavits or  
5 stipulations shall be filed within the time limits prescribed for the taking  
6 of testimony in section 1906 of this title.

7 **§ 1908. Subpoena for attendance at deposition**

8 (a) ISSUANCE.—Upon application of any party, a subpoena for attend-  
9 ance at a deposition shall be issued by—

10 (1) a judge or clerk of the United States district court for the dis-  
11 trict in which the place of examination is located;

12 (2) a judge or clerk of any court of record of the State in which the  
13 place of examination is located; or

14 (3) a judge or clerk of any court of record of the county in which  
15 the place of examination is located.

16 (b) TIME, METHOD, AND PROOF OF SERVICE.—Service of the subpoena  
17 shall be made upon the witness no later than 3 days before the day on  
18 which the witness's attendance is directed. A subpoena may be served by  
19 any person who is not a party to the contested election case and is not less  
20 than 18 years of age. Service of a subpoena upon a person named therein  
21 shall be made by delivering a copy of the subpoena to the person and by  
22 tendering to the person the fee for one day's attendance and the mileage  
23 allowed by section 1909 of this title. Written proof of service shall be made  
24 under oath by the person making service and shall be filed with the Clerk.

25 (c) PLACE OF EXAMINATION.—A witness may be required to attend an  
26 examination only in the county in which the witness resides or is employed,  
27 or transacts business in person, or is served with a subpoena, or within 40  
28 miles of the place of service.

29 (d) FORM.—Every subpoena shall state the name and title of the officer  
30 issuing the subpoena and the title of the contested election case, and shall  
31 command each person to whom it is directed to attend and give testimony  
32 at a time and place and before an officer specified therein.

33 (e) PRODUCTION OF DOCUMENTS.—

34 (1) IN GENERAL.—A subpoena may also command the person to  
35 whom it is directed to produce the books, papers, documents, or other  
36 tangible things designated therein, but the committee, upon motion  
37 promptly made and in any event at or before the time specified in the  
38 subpoena for compliance therewith, may—

39 (A) quash or modify the subpoena if it is unreasonable or op-  
40 pressive; or

1 (B) condition denial of the motion upon the advancement by the  
2 party in whose behalf the subpoena is issued of the reasonable cost  
3 of producing the books, papers, documents, or tangible things.

4 (2) PUBLIC RECORDS OR DOCUMENTS.—In the case of a public  
5 record or document, a copy certified by the person having official cus-  
6 tody of the original may be produced in lieu of the original.

7 **§ 1909. Officer and witness fees**

8 (a) JUDGE, CLERK OF COURT, OR OTHER OFFICER.—Each judge, clerk  
9 of court, or other officer who issues any subpoena or takes a deposition and  
10 each person who serves any subpoena or other paper herein authorized shall  
11 be entitled to receive from the party at whose instance the service shall have  
12 been performed such fees as are allowed for similar services in the district  
13 courts of the United States.

14 (b) WITNESSES.—Witnesses whose depositions are taken shall be entitled  
15 to receive from the party at whose instance the witness appeared the same  
16 fees and travel allowance paid to witnesses subpoenaed to appear before the  
17 House of Representatives or its committees.

18 **§ 1910. Penalty for failure to appear, testify, or produce doc-  
19 uments**

20 Every person who, having been subpoenaed as a witness under this chap-  
21 ter to give testimony or to produce documents, willfully makes default, or  
22 who, having appeared, refuses to answer any question pertinent to the con-  
23 tested election case, shall be deemed guilty of a misdemeanor punishable by  
24 a fine of not more than \$1,000 or less than \$100, imprisonment for not  
25 less than one month or more than 12 months, or both.

26 **§ 1911. Certification and filing of depositions**

27 (a) CERTIFICATION, SEALING, AND FILING.—The officer before whom  
28 any deposition is taken shall certify thereon that the witness was duly sworn  
29 by the officer and that the deposition is a true record of the testimony given  
30 by the witness. The officer shall then securely seal the deposition, together  
31 with any papers produced by the witness and the notice of deposition or  
32 stipulation, if the deposition was taken without notice, in an envelope en-  
33 dorsed with the title of the contested election case and marked “Deposition  
34 of (here insert name of witness)” and shall within 30 days after completion  
35 of the witness’s testimony, file it with the Clerk.

36 (b) NOTIFICATION OF FILING.—After filing the deposition, the officer  
37 shall promptly notify the parties of its filing.

38 (c) COPY OF DEPOSITION TO PARTIES OR DEONENTS.—Upon payment  
39 of reasonable charges therefor, not to exceed the charges allowed in the dis-  
40 trict court of the United States for the district wherein the place of exam-

1 ination is located, the officer shall furnish a copy of deposition to any party  
2 or the deponent.

3 **§ 1912. Record**

4 (a) HEARING ON PAPERS, DEPOSITIONS, AND EXHIBITS.—Contested  
5 election cases shall be heard by the committee on the papers, depositions,  
6 and exhibits filed with the Clerk. Such papers, depositions, and exhibits  
7 shall constitute the record of the case.

8 (b) APPENDIX TO CONTESTANT'S BRIEF.—Contestant shall print as an  
9 appendix to contestant's brief those portions of the record which contestant  
10 desires the committee to consider in order to decide the case and such other  
11 portions of the record as may be prescribed by the rules of the committee.

12 (c) APPENDIX TO CONTESTEE'S BRIEF.—Contestee shall print as an ap-  
13 pendix to contestee's brief those portions of the record not printed by con-  
14 testant which contestee desires the committee to consider in order to decide  
15 the case.

16 (d) CONTESTANT'S BRIEF AND SERVICE ON CONTESTEE.—Within 45  
17 days after the time for both parties to take testimony has expired, contest-  
18 ant shall serve on contestee the contestant's printed brief of the facts and  
19 authorities relied on to establish contestant's case together with contestant's  
20 appendix.

21 (e) CONTESTEE'S BRIEF AND SERVICE ON CONTESTANT.—Within 30  
22 days of service of contestant's brief and appendix, contestee shall serve on  
23 contestant the contestee's printed brief of the facts and authorities relied  
24 on to establish contestee's case together with contestee's appendix.

25 (f) REPLY BRIEF OF CONTESTANT.—Within 10 days after service of  
26 contestee's brief and appendix, contestant may serve on contestee a printed  
27 reply brief.

28 (g) FORM OF BRIEFS AND NUMBER OF COPIES SERVED AND FILED.—  
29 The form and length of the briefs, the form of the appendixes, and the num-  
30 ber of copies to be served and filed shall be in accordance with such rules  
31 as the committee may prescribe.

32 **§ 1913. Filing of pleadings, motions, depositions, appendixes,  
33 briefs, and other papers**

34 (a) METHODS OF FILING.—Filings of pleadings, motions, depositions, ap-  
35 pendixes, briefs, and other papers shall be accomplished by—

36 (1)(A) delivering a copy thereof to the Clerk of the House of Rep-  
37 resentatives at the Clerk's office in Washington, District of Columbia,  
38 or to a member of the Clerk's staff at such office; or

39 (B) mailing a copy thereof, by registered or certified mail, addressed  
40 to the Clerk at the House of Representatives, Washington, District of

1 Columbia, except that if such copy is not actually received, another  
2 copy shall be filed within a reasonable time; and

3 (2) delivering or mailing, simultaneously with the delivery or mailing  
4 of a copy under paragraph (1), such additional copies as the committee  
5 may by rule prescribe.

6 (b) TRANSMISSION TO COMMITTEE.—All papers filed with the Clerk pur-  
7 suant to this chapter shall be promptly transmitted by the Clerk to the com-  
8 mittee.

9 **§ 1914. Computation of time**

10 (a) METHOD OF COMPUTING TIME.—

11 (1) DEFINITION OF LEGAL HOLIDAY.—In this subsection, the term  
12 “legal holiday” means New Year’s Day, Washington’s Birthday, Memo-  
13 rial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving  
14 Day, Christmas Day, and any other day appointed as a holiday by the  
15 President or Congress.

16 (2) COMPUTING TIME.—In computing any period of time prescribed  
17 or allowed by this chapter or by the rules or any order of the com-  
18 mittee, the day of the act, event, or default after which the designated  
19 period of time begins to run shall not be included. The last day of the  
20 period so computed shall be included, unless it is a Saturday, a Sun-  
21 day, or a legal holiday, in which event the period shall run until the  
22 end of the next day which is neither a Saturday, a Sunday, nor a legal  
23 holiday. When the period of time prescribed or allowed is less than 7  
24 days, intermediate Saturdays, Sundays, and legal holidays shall be ex-  
25 cluded in the computation.

26 (b) SERVICE BY MAIL.—Whenever a party has the right or is required  
27 to do some act or take some proceeding within a prescribed period after the  
28 service of a pleading, motion, notice, brief, or other paper upon the party,  
29 which is served upon the party by mail, 3 days shall be added to the pre-  
30 scribed period.

31 (c) ENLARGEMENT OF TIME.—

32 (1) IN GENERAL.—When by this chapter or by the rules or any order  
33 of the committee an act is required or allowed to be done at or within  
34 a specified time, the committee, for good cause shown, may at any time  
35 in its discretion—

36 (A) with or without motion or notice, order the period enlarged  
37 if request therefor is made before the expiration of the period  
38 originally prescribed or as extended by a previous order; or

39 (B) upon motion made after the expiration of the specified pe-  
40 riod, permit the act to be done where the failure to act was the  
41 result of excusable neglect.

1           (2) EXCEPTION.—Notwithstanding paragraph (1), the committee  
2           shall not extend the time for serving and filing the notice of contest  
3           under section 1902 of this title.

4           **§ 1915. Death of contestant**

5           In the event of the death of the contestant, the contested election case  
6           shall abate.

7           **§ 1916. Allowance of party's expenses**

8           The committee may allow any party reimbursement from the applicable  
9           accounts of the House of Representatives of the party's reasonable expenses  
10          of the contested election case, including reasonable attorney fees, upon the  
11          verified application of the party accompanied by a complete and detailed ac-  
12          count of the party's expenses and supporting vouchers and receipts.

13          **CHAPTER 21—FEDERAL ELECTION RECORDS**

Sec.

2101. Definition of officer of election.

2102. Retention and preservation.

2103. Theft, destruction, concealment, mutilation, or alteration.

2104. Demand by Attorney General.

2105. Disclosure.

2106. Jurisdiction to compel production.

14          **§ 2101. Definition of officer of election**

15          In this chapter, the term “officer of election” means any person who,  
16          under color of any Federal, State, Commonwealth, or local law, statute, or-  
17          dinance, regulation, authority, custom, or usage, performs or is authorized  
18          to perform any function, duty, or task in connection with any application,  
19          registration, payment of poll tax, or other act requisite to voting in any gen-  
20          eral, special, or primary election at which votes are cast for candidates for  
21          the office of President, Vice President, presidential elector, Member of the  
22          Senate, Member of the House of Representatives, or Resident Commissioner  
23          from Puerto Rico.

24          **§ 2102. Retention and preservation**

25          Every officer of election shall retain and preserve, for a period of 22  
26          months from the date of any general, special, or primary election of which  
27          candidates for the office of President, Vice President, presidential elector,  
28          Member of the Senate, Member of the House of Representatives, or Resi-  
29          dent Commissioner from Puerto Rico are voted for, all records and papers  
30          which come into the officer's possession relating to any application, registra-  
31          tion, payment of poll tax, or other act requisite to voting in such election,  
32          except that, when required by law, such records and papers may be deliv-  
33          ered to another officer of election and except that, if a State or Puerto Rico  
34          designates a custodian to retain and preserve these records and papers at  
35          a specified place, then such records and papers may be deposited with such  
36          custodian, and the duty to retain and preserve any record or paper so de-  
37          posited shall devolve upon such custodian. Any officer of election or custo-

1 dian who willfully fails to comply with this section shall be fined not more  
2 than \$1,000, imprisoned not more than one year, or both.

3 **§ 2103. Theft, destruction, concealment, mutilation, or alter-**  
4 **ation**

5 Any person, whether or not an officer of election or custodian, who will-  
6 fully steals, destroys, conceals, mutilates, or alters any record or paper re-  
7 quired by section 2102 of this title to be retained and preserved shall be  
8 fined not more than \$1,000, imprisoned not more than one year, or both.

9 **§ 2104. Demand by Attorney General**

10 Any record or paper required by section 2102 of this title to be retained  
11 and preserved shall, upon demand in writing by the Attorney General or the  
12 Attorney General's representative directed to the person having custody,  
13 possession, or control of such record or paper, be made available for inspec-  
14 tion, reproduction, and copying at the principal office of such custodian by  
15 the Attorney General or the Attorney General's representative. This demand  
16 shall contain a statement of the basis and the purpose therefor.

17 **§ 2105. Disclosure**

18 Unless otherwise ordered by a court of the United States, neither the At-  
19 torney General nor any employee of the Department of Justice, nor any  
20 other representative of the Attorney General, shall disclose any record or  
21 paper produced pursuant to this chapter, or any reproduction or copy, ex-  
22 cept to Congress and any committee thereof, governmental agencies, and in  
23 the presentation of any case or proceeding before any court or grand jury.

24 **§ 2106. Jurisdiction to compel production**

25 The United States district court for the district in which a demand is  
26 made pursuant to section 2104 of this title, or in which a record or paper  
27 so demanded is located, shall have jurisdiction by appropriate process to  
28 compel the production of such record or paper.

29 **CHAPTER 23—ELECTION OF CERTAIN**  
30 **REPRESENTATIVES TO CONGRESS**

SUBCHAPTER I—RESIDENT COMMISSIONER TO THE UNITED STATES FROM  
PUERTO RICO

Sec.

- 2301. Definition of Resident Commissioner.
- 2302. Election, term, and recognition.
- 2303. Qualifications for election and handling of vacancies.
- 2304. Salary, allowances, and franking privilege.
- 2305. Payment of salary and traveling expenses.

SUBCHAPTER II—DELEGATE FROM DISTRICT OF COLUMBIA

- 2311. Delegate to House of Representatives from District of Columbia.

SUBCHAPTER III—DELEGATE FROM GUAM AND VIRGIN ISLANDS

- 2321. Definition of Delegate.
- 2322. Delegate to House of Representatives from Guam and Virgin Islands.
- 2323. Election of delegates.
- 2324. Qualifications for Office of Delegate.
- 2325. Determination of election procedure.

2326. Operation of Office.

SUBCHAPTER IV—DELEGATE FROM AMERICAN SAMOA

2331. Definition of Delegate.

2332. Delegate to House of Representatives from American Samoa.

2333. Election of delegates.

2334. Qualifications for Office of Delegate.

2335. Determination of election procedure.

2336. Operation of Office.

SUBCHAPTER V—DELEGATE FROM NORTHERN MARIANA ISLANDS

2341. Definitions.

2342. Delegate to House of Representatives from Commonwealth of the Northern Mariana Islands.

2343. Election of Delegate.

2344. Qualifications for office of Delegate.

2345. Determination of election procedure.

2346. Compensation, privileges, and immunities.

2347. Lack of effect on Covenant.

1 SUBCHAPTER I—RESIDENT COMMISSIONER TO THE UNITED  
2 STATES FROM PUERTO RICO

3 **§ 2301. Definition of Resident Commissioner**

4 In this subchapter, the term “Resident Commissioner” means the Resi-  
5 dent Commissioner to the United States from Puerto Rico provided for in  
6 this subchapter.

7 **§ 2302. Election, term, and recognition**

8 The qualified electors of Puerto Rico shall choose a Resident Commis-  
9 sioner at each general election, whose term of office shall be 4 years from  
10 the third of January following such general election, and who shall be enti-  
11 tled to receive official recognition as the Resident Commissioner by all of  
12 the departments of the Government of the United States, upon presentation,  
13 through the Department of State, of a certificate of election of the Governor  
14 of Puerto Rico.

15 **§ 2303. Qualifications for election and handling of vacancies**

16 (a) QUALIFICATIONS FOR ELECTION.—To be eligible for election as Resi-  
17 dent Commissioner, a person must be—

18 (1) a bona fide citizen of the United States;

19 (2) more than 25 years of age; and

20 (3) able to read and write the English language.

21 (b) HANDLING OF VACANCIES.—In case of a vacancy in the office of  
22 Resident Commissioner, by death, resignation, or otherwise, the Governor  
23 of Puerto Rico, by and with the advice and consent of the Senate, shall ap-  
24 point a Resident Commissioner to fill the vacancy, who shall serve until the  
25 next general election and until a successor is elected and qualified.

26 **§ 2304. Salary, allowances, and franking privilege**

27 The Resident Commissioner shall—

28 (1) receive a salary payable monthly by the United States;

1           (2) be allowed the same sum for stationery and for the pay of nec-  
2           essary clerk hire as is allowed Members of the House of Representa-  
3           tives of the United States; and

4           (3) be allowed the franking privilege granted Members of Congress.

5       **§ 2305. Payment of salary and traveling expenses**

6           The salary and traveling expenses of the Resident Commissioner shall be  
7           paid by the Chief Administrative Officer of the House of Representatives  
8           in the same manner as the salaries of the members of the House of Rep-  
9           resentatives are paid.

10       SUBCHAPTER II—DELEGATE FROM DISTRICT OF COLUMBIA

11       **§ 2311. Delegate to House of Representatives from District**  
12       **of Columbia**

13       (a) DEFINITION OF DELEGATE.—In this subchapter, the term “Delegate”  
14       means the Delegate to the House of Representatives from the District of  
15       Columbia provided for in this subchapter.

16       (b) IN GENERAL.—

17           (1) REPRESENTATION.—The people of the District of Columbia shall  
18           be represented in the House of Representatives by a delegate, to be  
19           known as the “Delegate to the House of Representatives from the Dis-  
20           trict of Columbia”, who shall be elected by the voters of the District  
21           of Columbia in accordance with the District of Columbia Election Act.

22       (2) RIGHTS AND RESTRICTIONS.—The Delegate shall—

23           (A) have a seat in the House of Representatives, with the right  
24           of debate, but not of voting;

25           (B) have all the privileges granted a Representative by section  
26           6 of Article I of the Constitution; and

27           (C) be subject to the same restrictions and regulations as are  
28           imposed by law or rules on Representatives.

29       (3) TERM.—The Delegate shall be elected to serve during each Con-  
30       gress.

31       (c) QUALIFICATIONS.—

32           (1) IN GENERAL.—To be eligible to hold the office of Delegate, an  
33           individual must, on the date of the individual’s election—

34           (A) be a qualified elector (as that term is defined in section 2(2)  
35           of the District of Columbia Election Act) of the District of Colum-  
36           bia;

37           (B) be at least 25 years of age;

38           (C) hold no other paid public office; and

39           (D) have resided continuously in the District of Columbia since  
40           the beginning of the 3-year period ending on the date of the indi-  
41           vidual’s election.



1 **§ 2325. Determination of election procedure**

2 The legislature of each territory may determine the order of names on  
3 the ballot for election of Delegate, the method by which a special election  
4 to fill a vacancy in the office of Delegate shall be conducted, the method  
5 by which ties between candidates for the office of Delegate shall be resolved,  
6 and all other matters of local application pertaining to the election and the  
7 office of Delegate not otherwise expressly provided for in this subchapter.

8 **§ 2326. Operation of Office**

9 The Delegate from Guam and the Delegate from the Virgin Islands shall  
10 have such privileges in the House of Representatives as may be afforded the  
11 Delegate under the Rules of the House of Representatives. Until the Rules  
12 of the House of Representatives are amended to provide otherwise, the Dele-  
13 gate from each territory shall receive the same compensation, allowances,  
14 and benefits as a Member of the House of Representatives, and shall be en-  
15 titled to whatever privileges and immunities are, or hereafter may be, grant-  
16 ed to the Resident Commissioner for Puerto Rico. The right to vote in com-  
17 mittee shall be as provided by the Rules of the House of Representatives.

18 SUBCHAPTER IV—DELEGATE FROM AMERICAN SAMOA

19 **§ 2331. Definition of Delegate**

20 In this subchapter, the term “Delegate” means the Delegate to the House  
21 of Representatives from American Samoa provided for in this subchapter.

22 **§ 2332. Delegate to House of Representatives from American**  
23 **Samoa**

24 The Territory of American Samoa shall be represented in the United  
25 States Congress by a nonvoting Delegate to the House of Representatives,  
26 elected as provided in this subchapter.

27 **§ 2333. Election of delegates**

28 (a) ELECTION.—The Delegate shall be elected by the people qualified to  
29 vote for the popularly elected officials of the Territory of American Samoa  
30 at the general Federal election each even numbered year. The Delegate shall  
31 be elected at large, by separate ballot, and by a plurality of the votes cast  
32 for the office of Delegate.

33 (b) VACANCY.—In case of a permanent vacancy in the office of Delegate,  
34 by reason of death, resignation, or permanent disability, the office of Dele-  
35 gate shall remain vacant until a successor shall have been elected and quali-  
36 fied.

37 (c) COMMENCEMENT OF TERM.—The term of the Delegate shall com-  
38 mence on the third day of January following the date of the election.

39 (d) ESTABLISHMENT OF PRIMARY ELECTIONS.—The legislature of Amer-  
40 ican Samoa may, but is not required to, provide for primary elections for  
41 the election of Delegate.

(e) EFFECT OF ESTABLISHMENT OF PRIMARY ELECTIONS.—Notwithstanding subsections (a) and (b), if the legislature of American Samoa provides for primary elections for the election of Delegate, the Delegate shall be elected by a majority of votes cast in any subsequent general election for the office of Delegate for which such primary elections were held.

**§ 2334. Qualifications for Office of Delegate**

To be eligible for the office of Delegate a candidate shall—

- (1) be at least 25 years of age on the date of the election;
- (2) owe allegiance to the United States;
- (3) be an inhabitant of the Territory of American Samoa; and
- (4) not be, on the date of the election, a candidate for any other office.

**§ 2335. Determination of election procedure**

Acting pursuant to legislation enacted in accordance with section 9, article II of the American Samoan Revised Constitution, the territorial government will determine the order of names on the ballot for election of Delegate, the method by which a special election to fill a vacancy in the office of Delegate shall be conducted, the method by which ties between candidates for the office of Delegate shall be resolved, and all other matters of local application pertaining to the election and the office of Delegate not otherwise expressly provided for in this subchapter.

**§ 2336. Operation of Office**

Until the Rules of the House of Representatives are amended to provide otherwise, the Delegate from American Samoa shall receive the same compensation, allowances, and benefits as a Member of the House of Representatives, and shall be entitled to whatever privileges and immunities that are, or hereafter may be, granted to the nonvoting Delegate from the Territory of Guam.

SUBCHAPTER V—DELEGATE FROM NORTHERN MARIANA  
ISLANDS

**§ 2341. Definitions**

In this subchapter:

- (1) COVENANT.—The term “Covenant” means the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America (approved by Public Law 94–241 (48 U.S.C. 1801 et seq.)).
- (2) DELEGATE.—The term “Delegate” means the Resident Representative to the United States referred to in section 2342 of this title.

1    **§ 2342. Delegate to House of Representatives from Common-**  
 2                   **wealth of the Northern Mariana Islands**

3           The Commonwealth of the Northern Mariana Islands shall be represented  
 4 in the United States Congress by the Resident Representative to the United  
 5 States authorized by section 901 of the Covenant. The Resident Representa-  
 6 tive to the United States shall be a nonvoting delegate to the House of Rep-  
 7 resentatives, elected as provided in this subchapter.

8    **§ 2343. Election of Delegate**

9           (a) ELECTORS AND TIME OF ELECTION.—The Delegate shall be elect-  
 10 ed—

11           (1) by the people qualified to vote for the popularly elected officials  
 12 of the Commonwealth of the Northern Mariana Islands; and

13           (2) at the Federal general election each even numbered year.

14           (b) MANNER OF ELECTION.—

15           (1) IN GENERAL.—The Delegate shall be elected at large and by a  
 16 plurality of the votes cast for the office of Delegate.

17           (2) EFFECT OF ESTABLISHMENT OF PRIMARY ELECTIONS.—Not-  
 18 withstanding paragraph (1), if the Government of the Commonwealth  
 19 of the Northern Mariana Islands, acting pursuant to legislation enacted  
 20 in accordance with the Constitution of the Commonwealth of the  
 21 Northern Mariana Islands, provides for primary elections for the elec-  
 22 tion of the Delegate, the Delegate shall be elected by a majority of the  
 23 votes cast in any general election for the office of Delegate for which  
 24 such primary elections were held.

25           (c) VACANCY.—In case of a permanent vacancy in the office of Delegate,  
 26 the office of Delegate shall remain vacant until a successor is elected and  
 27 qualified.

28           (d) COMMENCEMENT OF TERM.—The term of the Delegate shall com-  
 29 mence on the third day of January following the date of the election.

30    **§ 2344. Qualifications for office of Delegate**

31           To be eligible for the office of Delegate a candidate shall—

32           (1) be at least 25 years of age on the date of the election;

33           (2) have been a citizen of the United States for at least 7 years prior  
 34 to the date of the election;

35           (3) be a resident and domiciliary of the Commonwealth of the North-  
 36 ern Mariana Islands for at least 7 years prior to the date of the elec-  
 37 tion;

38           (4) be qualified to vote in the Commonwealth of the Northern Mar-  
 39 iana Islands on the date of the election; and

40           (5) not be, on the date of the election, a candidate for any other of-  
 41 fice.

1 **§ 2345. Determination of election procedure**

2 Acting pursuant to legislation enacted in accordance with the Constitution  
3 of the Commonwealth of the Northern Mariana Islands, the Government of  
4 the Commonwealth of the Northern Mariana Islands may determine the  
5 order of names on the ballot for election of Delegate, the method by which  
6 a special election to fill a permanent vacancy in the office of Delegate shall  
7 be conducted, the method by which ties between candidates for the office  
8 of Delegate shall be resolved, and all other matters of local application per-  
9 taining to the election and the office of Delegate not otherwise expressly  
10 provided for in this subchapter.

11 **§ 2346. Compensation, privileges, and immunities**

12 Until the Rules of the House of Representatives are amended to provide  
13 otherwise, the Delegate shall receive the same compensation, allowances,  
14 and benefits as a Member of the House of Representatives, and shall be en-  
15 titled to whatever privileges and immunities are, or hereafter may be, grant-  
16 ed to any other nonvoting delegate to the House of Representatives.

17 **§ 2347. Lack of effect on Covenant**

18 No provision of this subchapter shall be construed to alter, amend, or ab-  
19 rogate any provision of the Covenant except section 901 of the Covenant.

20 **CHAPTER 25—PRESIDENTIAL ELECTION CAMPAIGN**

21 **FUND**

Sec.

- 2501. Definitions.
- 2502. Condition for eligibility for payments.
- 2503. Entitlement of eligible candidates to payments.
- 2504. Certification by Commission.
- 2505. Payments to eligible candidates.
- 2506. Examinations and audits; repayments.
- 2507. Payments for presidential nominating conventions.
- 2508. Reports to Congress; rules and regulations.
- 2509. Participation by Commission in judicial proceedings.
- 2510. Judicial review.
- 2511. Criminal penalties.

22 **§ 2501. Definitions**

23 In this chapter:

24 (1) **AUTHORIZED COMMITTEE.**—The term “authorized committee”  
25 means, with respect to the candidates of a political party for President  
26 and Vice President of the United States, any political committee which  
27 is authorized in writing by such candidates to incur expenses to further  
28 the election of such candidates. Such authorization shall be addressed  
29 to the chairman of such political committee, and a copy of such author-  
30 ization shall be filed by such candidates with the Commission. Any  
31 withdrawal of any authorization shall also be in writing and shall be  
32 addressed and filed in the same manner as the authorization.

33 (2) **CANDIDATE.**—

1 (A) IN GENERAL.—The term “candidate” means, with respect  
2 to any presidential election, an individual who—

3 (i) has been nominated for election to the office of Presi-  
4 dent of the United States or the office of Vice President of  
5 the United States by a major party; or

6 (ii) has qualified to have the individual’s name on the elec-  
7 tion ballot (or to have the names of electors pledged to the  
8 individual on the election ballot) as the candidate of a polit-  
9 ical party for election to either such office in 10 or more  
10 States.

11 (B) PRECEDING PRESIDENTIAL ELECTION.—For purposes of  
12 paragraphs (7) and (8) of this section and purposes of section  
13 2503(a)(2) of this title, the term “candidate” means, with respect  
14 to any preceding presidential election, an individual who received  
15 popular votes for the office of President in such election.

16 (C) NOT INCLUDED.—The term “candidate” shall not include  
17 any individual who has ceased actively to seek election to the office  
18 of President of the United States or to the office of Vice President  
19 of the United States, in more than one State.

20 (3) COMMISSION.—The term “Commission” means the Federal Elec-  
21 tion Commission established by section 1131(a)(1) of this title.

22 (4) ELIGIBLE CANDIDATES.—The term “eligible candidates” means  
23 the candidates of a political party for President and Vice President of  
24 the United States who have met all applicable conditions for eligibility  
25 to receive payments under this chapter set forth in section 2502 of this  
26 title.

27 (5) EXPENDITURE REPORT PERIOD.—The term “expenditure report  
28 period”, with respect to any presidential election, means—

29 (A) in the case of a major party, the period beginning with the  
30 first day of September before the election, or, if earlier, with the  
31 date on which such major party at its national convention nomi-  
32 nated its candidate for election to the office of President of the  
33 United States, and ending 30 days after the date of the presi-  
34 dential election; and

35 (B) in the case of a party which is not a major party, the same  
36 period as the expenditure report period of the major party which  
37 has the shortest expenditure report period for such presidential  
38 election under subparagraph (A).

39 (6) FUND.—The term “fund” means the Presidential Election Cam-  
40 paign Fund established by section 2505(a) of this title.

1 (7) MAJOR PARTY.—The term “major party” means, with respect to  
2 any presidential election, a political party whose candidate for the office  
3 of President in the preceding presidential election received, as the can-  
4 didate of such party, 25 percent or more of the total number of popular  
5 votes received by all candidates for such office.

6 (8) MINOR PARTY.—The term “minor party” means, with respect to  
7 any presidential election, a political party whose candidate for the office  
8 of President in the preceding presidential election received, as the can-  
9 didate of such party, 5 percent or more but less than 25 percent of  
10 the total number of popular votes received by all candidates for such  
11 office.

12 (9) NEW PARTY.—The term “new party” means with respect to any  
13 presidential election, a political party which is neither a major party  
14 nor a minor party.

15 (10) POLITICAL COMMITTEE.—The term “political committee”  
16 means any committee, association, or organization (whether or not in-  
17 corporated) which accepts contributions or makes expenditures for the  
18 purpose of influencing, or attempting to influence, the nomination or  
19 election of one or more individuals to Federal, State, or local elective  
20 public office.

21 (11) PRESIDENTIAL ELECTION.—The term “presidential election”  
22 means the election of presidential and vice-presidential electors.

23 (12) QUALIFIED CAMPAIGN EXPENSE.—

24 (A) IN GENERAL.—Subject to subparagraphs (B) and (C), the  
25 term “qualified campaign expense” means an expense—

26 (i) incurred by—

27 (I) the candidate of a political party for the office of  
28 President to further the candidate’s election to such of-  
29 fice or to further the election of the candidate of such  
30 political party for the office of Vice President, or both;

31 (II) the candidate of a political party for the office of  
32 Vice President to further the candidate’s election to such  
33 office or to further the election of the candidate of such  
34 political party for the office of President, or both; or

35 (III) an authorized committee of the candidates of a  
36 political party for the offices of President and Vice Presi-  
37 dent to further the election of either or both of such can-  
38 didates to such offices;

39 (ii) incurred within the expenditure report period (as de-  
40 fined in paragraph (5)), or incurred before the beginning of

1 such period to the extent such expense is for property, serv-  
 2 ices, or facilities used during such period; and

3 (iii) neither the incurring nor payment of which constitutes  
 4 a violation of any law of the United States or of the State  
 5 in which such expense is incurred or paid.

6 (B) PERSON AUTHORIZED TO INCUR EXPENSE.—An expense  
 7 shall be considered as incurred by a candidate or an authorized  
 8 committee if the expense is incurred by a person authorized by  
 9 such candidate or such committee, as the case may be, to incur  
 10 such expense on behalf of the candidate or committee.

11 (C) EXPENSES ALSO INCURRED FOR OTHER INDIVIDUALS.—If  
 12 an authorized committee of the candidates of a political party for  
 13 President and Vice President of the United States also incurs ex-  
 14 penses to further the election of one or more other individuals to  
 15 Federal, State, or local elective public office, expenses incurred by  
 16 such committee which are not specifically to further the election  
 17 of such other individual or individuals shall be considered as in-  
 18 curred to further the election of such candidates for President and  
 19 Vice President in such proportion as the Commission prescribes by  
 20 rules or regulations.

21 (13) SECRETARY AND SECRETARY OF THE TREASURY.—

22 (A) SECRETARY.—The term “Secretary” means the Secretary  
 23 of the Treasury or a delegate of the Secretary of the Treasury.  
 24 A delegate of the Secretary of the Treasury is any officer, em-  
 25 ployee, or agency of the Treasury Department duly authorized by  
 26 the Secretary of the Treasury directly, or indirectly by one or  
 27 more redelegations of authority, to perform the function men-  
 28 tioned or described in the context.

29 (B) SECRETARY OF THE TREASURY.—The term “Secretary of  
 30 the Treasury” means the Secretary of the Treasury, personally,  
 31 and shall not include any delegate of the Secretary of the Treas-  
 32 ury.

33 **§ 2502. Condition for eligibility for payments**

34 (a) IN GENERAL.—In order to be eligible to receive any payments under  
 35 section 2505 of this title, the candidates of a political party in a presidential  
 36 election shall, in writing—

37 (1) agree to obtain and furnish to the Commission such evidence as  
 38 it may request of the qualified campaign expenses of such candidates;

39 (2) agree to keep and furnish to the Commission such records,  
 40 books, and other information as it may request; and

1           (3) agree to an audit and examination by the Commission under sec-  
2           tion 2506 of this title and to pay any amounts required to be paid  
3           under such section.

4           (b) MAJOR PARTIES.—

5           (1) IN GENERAL.—In order to be eligible to receive any payments  
6           under section 2505 of this title, the candidates of a major party in a  
7           presidential election shall certify to the Commission, under penalty of  
8           perjury, that—

9                   (A) such candidates and their authorized committees will not  
10                  incur qualified campaign expenses in excess of the aggregate pay-  
11                  ments to which they will be entitled under section 2503 of this  
12                  title; and

13                  (B) no contributions to defray qualified campaign expenses have  
14                  been or will be accepted by such candidates or any of their author-  
15                  ized committees except to the extent necessary to make up any de-  
16                  ficiency in payments received out of the fund on account of the  
17                  application of section 2505(e) of this title, and no contributions to  
18                  defray expenses which would be qualified campaign expenses but  
19                  for section 2501(12)(A)(iii) of this title have been or will be ac-  
20                  cepted by such candidates or any of their authorized committees.

21           (2) TIME FOR CERTIFICATION.—Such certification shall be made  
22           within such time prior to the day of the presidential election as the  
23           Commission shall prescribe by rules or regulations.

24           (c) MINOR AND NEW PARTIES.—

25           (1) IN GENERAL.—In order to be eligible to receive any payments  
26           under section 2505 of this title, the candidates of a minor or new party  
27           in a presidential election shall certify to the Commission under penalty  
28           of perjury, that—

29                   (A) such candidates and their authorized committees will not  
30                  incur qualified campaign expenses in excess of the aggregate pay-  
31                  ments to which the eligible candidates of a major party are enti-  
32                  tled under section 2503 of this title; and

33                  (B) such candidates and their authorized committees will accept  
34                  and expend or retain contributions to defray qualified campaign  
35                  expenses only to the extent that the qualified campaign expenses  
36                  incurred by such candidates and their authorized committees cer-  
37                  tified to under subparagraph (A) exceed the aggregate payments  
38                  received by such candidates out of the fund pursuant to section  
39                  2505 of this title.

1           (2) TIME FOR CERTIFICATION.—Such certification shall be made  
2           within such time prior to the day of the presidential election as the  
3           Commission shall prescribe by rules or regulations.

4           (d) WITHDRAWAL BY CANDIDATE.—In any case in which an individual  
5           ceases to be a candidate as a result of the operation of section 2501(2)(C)  
6           of this title, such individual—

7           (1) shall no longer be eligible to receive any payments under section  
8           2505 of this title, except that such individual shall be eligible to receive  
9           payments under such section to defray qualified campaign expenses in-  
10          curred while actively seeking election to the office of President of the  
11          United States or to the office of Vice President of the United States  
12          in more than one State; and

13          (2) shall pay to the Secretary, as soon as practicable after the date  
14          upon which such individual ceases to be a candidate, an amount equal  
15          to the amount of payments received by such individual under section  
16          2505 of this title which are not used to defray qualified campaign ex-  
17          penses.

18          (e) CLOSED CAPTIONING REQUIREMENT.—No candidate for the office of  
19          President or Vice President may receive amounts from the Presidential  
20          Election Campaign Fund under this chapter or chapter 27 of this title un-  
21          less such candidate has certified that any television commercial prepared or  
22          distributed by the candidate will be prepared in a manner which ensures  
23          that the commercial contains or is accompanied by closed captioning of the  
24          oral content of the commercial to be broadcast in line 21 of the vertical  
25          blanking interval, or is capable of being viewed by deaf and hearing im-  
26          paired individuals via any comparable successor technology to line 21 of the  
27          vertical blanking interval.

28          **§ 2503. Entitlement of eligible candidates to payments**

29          (a) IN GENERAL.—Subject to this chapter:

30               (1) The eligible candidates of each major party in a presidential elec-  
31               tion shall be entitled to equal payments under section 2505 of this title  
32               in an amount which, in the aggregate, shall not exceed the expenditure  
33               limitations applicable to such candidates under section 1152(b)(1)(B)  
34               of this title.

35               (2)(A) The eligible candidates of a minor party in a presidential elec-  
36               tion shall be entitled to payments under section 2505 of this title equal  
37               in the aggregate to an amount which bears the same ratio to the  
38               amount allowed under paragraph (1) for a major party as the number  
39               of popular votes received by the candidate for President of the minor  
40               party, as such candidate, in the preceding presidential election bears

1 to the average number of popular votes received by the candidates for  
2 President of the major parties in the preceding presidential election.

3 (B) If the candidate of one or more political parties (not including  
4 a major party) for the office of President was a candidate for such of-  
5 fice in the preceding presidential election and received 5 percent or  
6 more but less than 25 percent of the total number of popular votes re-  
7 ceived by all candidates for such office, such candidate and the can-  
8 didate's running mate for the office of Vice President, upon compliance  
9 with subsections (a) and (c) of section 2502 of this title, shall be treat-  
10 ed as eligible candidates entitled to payments under section 2505 of  
11 this title in an amount computed as provided in subparagraph (A) by  
12 taking into account all the popular votes received by such candidate for  
13 the office of President in the preceding presidential election. If eligible  
14 candidates of a minor party are entitled to payments under this sub-  
15 paragraph, such entitlement shall be reduced by the amount of the en-  
16 titlement allowed under subparagraph (A).

17 (3) The eligible candidates of a minor party or a new party in a  
18 presidential election whose candidate for President in such election re-  
19 ceives, as such candidate, 5 percent or more of the total number of  
20 popular votes cast for the office of President in such election shall be  
21 entitled to payments under section 2505 of this title equal in the aggre-  
22 gate to an amount which bears the same ratio to the amount allowed  
23 under paragraph (1) for a major party as the number of popular votes  
24 received by such candidate in such election bears to the average num-  
25 ber of popular votes received in such election by the candidates for  
26 President of the major parties. In the case of eligible candidates enti-  
27 tled to payments under paragraph (2), the amount allowable under this  
28 paragraph shall be limited to the amount, if any, by which the entitle-  
29 ment under the preceding sentence exceeds the amount of the entitle-  
30 ment under paragraph (2).

31 (b) LIMITATIONS.—The aggregate payments to which the eligible can-  
32 didates of a political party shall be entitled under paragraphs (2) and (3)  
33 of subsection (a) with respect to a presidential election shall not exceed an  
34 amount equal to the lower of—

35 (1) the amount of qualified campaign expenses incurred by such eli-  
36 gible candidates and their authorized committees, reduced by the  
37 amount of contributions to defray qualified campaign expenses received  
38 and expended or retained by such eligible candidates and such commit-  
39 tees; or

1           (2) the aggregate payments to which the eligible candidates of a  
2           major party are entitled under subsection (a)(1), reduced by the  
3           amount of contributions described in paragraph (1) of this subsection.

4           (e) RESTRICTIONS.—The eligible candidates of a political party shall be  
5           entitled to payments under subsection (a) only—

6           (1) to defray qualified campaign expenses incurred by such eligible  
7           candidates or their authorized committees; or

8           (2) to repay loans the proceeds of which were used to defray such  
9           qualified campaign expenses, or otherwise to restore funds (other than  
10          contributions to defray qualified campaign expenses received and ex-  
11          pended by such candidates or such committees) used to defray such  
12          qualified campaign expenses.

13          (d) EXPENDITURES FROM PERSONAL FUNDS.—

14          (1) DEFINITION OF IMMEDIATE FAMILY.—In this subsection, the  
15          term “immediate family” means a candidate’s spouse, and any child,  
16          parent, grandparent, brother, half-brother, sister, or half-sister of the  
17          candidate, and the spouses of such persons.

18          (2) CERTIFICATION.—In order to be eligible to receive any payment  
19          under section 2505 of this title, the candidate of a major, minor, or  
20          new party in an election for the office of President shall certify to the  
21          Commission, under penalty of perjury, that such candidate will not  
22          knowingly make expenditures from the candidate’s personal funds, or  
23          the personal funds of the candidate’s immediate family, in connection  
24          with the candidate’s campaign for election to the office of President in  
25          excess of, in the aggregate, \$50,000. For purposes of this subsection,  
26          expenditures from personal funds made by a candidate of a major,  
27          minor, or new party for the office of Vice President shall be considered  
28          to be expenditures by the candidate of such party for the office of  
29          President.

30          **§ 2504. Certification by Commission**

31          (a) INITIAL CERTIFICATIONS.—Not later than 10 days after the can-  
32          didates of a political party for President and Vice President of the United  
33          States have met all applicable conditions for eligibility to receive payments  
34          under this chapter set forth in section 2502 of this title, the Commission  
35          shall certify to the Secretary of the Treasury for payment to such eligible  
36          candidates under section 2505 of this title payment in full of amounts to  
37          which such candidates are entitled under section 2503 of this title.

38          (b) FINALITY OF CERTIFICATIONS AND DETERMINATIONS.—Initial cer-  
39          tifications by the Commission under subsection (a), and all determinations  
40          made by it under this chapter, shall be final and conclusive, except to the  
41          extent that they are subject to examination and audit by the Commission

1 under section 2506 of this title and judicial review under section 2510 of  
2 this title.

3 **§ 2505. Payments to eligible candidates**

4 (a) ESTABLISHMENT OF CAMPAIGN FUND.—There is established on the  
5 books of the Treasury of the United States a special fund to be known as  
6 the “Presidential Election Campaign Fund”. The Secretary of the Treasury  
7 shall, from time to time, transfer to the fund an amount not in excess of  
8 the sum of the amounts designated (subsequent to the previous Presidential  
9 election) to the fund by individuals under section 6096 of the Internal Rev-  
10 enue Code of 1986 (26 U.S.C. 6096). There is appropriated to the fund  
11 for each fiscal year, out of amounts in the general fund of the Treasury  
12 not otherwise appropriated, an amount equal to the amounts so designated  
13 during each fiscal year, which shall remain available to the fund without fis-  
14 cal year limitation.

15 (b) PAYMENTS FROM THE FUND.—Upon receipt of a certification from  
16 the Commission under section 2504 of this title for payment to the eligible  
17 candidates of a political party, the Secretary of the Treasury shall pay to  
18 such candidates out of the fund the amount certified by the Commission.  
19 Amounts paid to any such candidates shall be under the control of such  
20 candidates.

21 (c) INSUFFICIENT AMOUNTS IN FUND.—If at the time of a certification  
22 by the Commission under section 2504 of this title for payment to the eligi-  
23 ble candidates of a political party, the Secretary determines that the moneys  
24 in the fund are not, or may not be, sufficient to satisfy the full entitlements  
25 of the eligible candidates of all political parties, the Secretary shall withhold  
26 from such payment such amount as the Secretary determines to be nec-  
27 essary to assure that the eligible candidates of each political party will re-  
28 ceive their pro rata share of their full entitlement. Amounts withheld by rea-  
29 son of the preceding sentence shall be paid when the Secretary determines  
30 that there are sufficient moneys in the fund to pay such amounts, or por-  
31 tions thereof, to all eligible candidates from whom amounts have been with-  
32 held, but, if there are not sufficient moneys in the fund to satisfy the full  
33 entitlement of the eligible candidates of all political parties, the amounts so  
34 withheld shall be paid in such manner that the eligible candidates of each  
35 political party receive their pro rata share of their full entitlement. In any  
36 case in which the Secretary determines that there are insufficient moneys  
37 in the fund to make payments under subsection (b) and sections 2507(b)(3)  
38 and 2706(b) of this title, moneys shall not be made available from any other  
39 source for the purpose of making such payments.

1 **§ 2506. Examinations and audits; repayments**

2 (a) EXAMINATIONS AND AUDITS.—After each presidential election, the  
3 Commission shall conduct a thorough examination and audit of the qualified  
4 campaign expenses of the candidates of each political party for President  
5 and Vice President.

6 (b) REPAYMENTS.—

7 (1) PAYMENTS MADE IN EXCESS OF PAYMENTS TO WHICH CAN-  
8 DIDATES WERE ENTITLED.—If the Commission determines that any  
9 portion of the payments made to the eligible candidates of a political  
10 party under section 2505 of this title was in excess of the aggregate  
11 payments to which candidates were entitled under section 2503 of this  
12 title, it shall so notify such candidates, and such candidates shall pay  
13 to the Secretary of the Treasury an amount equal to such portion.

14 (2) QUALIFIED CAMPAIGN EXPENSES INCURRED IN EXCESS OF PAY-  
15 MENTS TO WHICH CANDIDATES OF MAJOR PARTY WERE ENTITLED.—  
16 If the Commission determines that the eligible candidates of a political  
17 party and their authorized committees incurred qualified campaign ex-  
18 penses in excess of the aggregate payments to which the eligible can-  
19 didates of a major party were entitled under section 2503 of this title,  
20 it shall notify such candidates of the amount of such excess and such  
21 candidates shall pay to the Secretary of the Treasury an amount equal  
22 to such amount.

23 (3) CANDIDATES OF MAJOR PARTY ACCEPTED CONTRIBUTIONS TO  
24 DEFRAY QUALIFIED CAMPAIGN EXPENSES.—If the Commission deter-  
25 mines that the eligible candidates of a major party or any authorized  
26 committee of such candidates accepted contributions (other than con-  
27 tributions to make up deficiencies in payments out of the fund on ac-  
28 count of the application of section 2505(c) of this title) to defray quali-  
29 fied campaign expenses (other than qualified campaign expenses with  
30 respect to which payment is required under paragraph (2)), it shall no-  
31 tify such candidates of the amount of the contributions so accepted,  
32 and such candidates shall pay to the Secretary of the Treasury an  
33 amount equal to such amount.

34 (4) PAYMENT USED FOR OTHER THAN SPECIFIED PURPOSES.—If the  
35 Commission determines that any amount of any payment made to the  
36 eligible candidates of a political party under section 2505 of this title  
37 was used for any purpose other than—

38 (A) to defray the qualified campaign expenses with respect to  
39 which such payment was made; or

40 (B) to repay loans the proceeds of which were used, or other-  
41 wise to restore funds (other than contributions to defray qualified

1 campaign expenses which were received and expended) which were  
 2 used to defray such qualified campaign expenses,  
 3 it shall notify such candidates of the amount so used, and such can-  
 4 didates shall pay to the Secretary of the Treasury an amount equal to  
 5 such amount.

6 (5) REPAYMENTS NOT TO EXCEED PAYMENTS RECEIVED.—No pay-  
 7 ment shall be required from the eligible candidates of a political party  
 8 under this subsection to the extent that such payment, when added to  
 9 other payments required from such candidates under this subsection,  
 10 exceeds the amount of payments received by such candidates under sec-  
 11 tion 2505 of this title.

12 (c) NOTIFICATION.—No notification shall be made by the Commission  
 13 under subsection (b) with respect to a presidential election more than 3  
 14 years after the day of such election.

15 (d) DEPOSIT OF REPAYMENTS.—All payments received by the Secretary  
 16 of the Treasury under subsection (b) shall be deposited by the Secretary of  
 17 the Treasury in the general fund of the Treasury.

18 **§ 2507. Payments for presidential nominating conventions**

19 (a) ESTABLISHMENT OF ACCOUNTS.—The Secretary shall maintain in the  
 20 fund, in addition to any account which the Secretary maintains under sec-  
 21 tion 2505(a) of this title, a separate account for the national committee of  
 22 each major party and minor party. The Secretary shall deposit in each such  
 23 account an amount equal to the amount which each such committee may  
 24 receive under subsection (b). Such deposits shall be drawn from amounts  
 25 designated by individuals under section 6096 of the Internal Revenue Code  
 26 of 1986 (26 U.S.C. 6096) and shall be made before any transfer is made  
 27 to any account for any eligible candidate under section 2505(a) of this title.

28 (b) ENTITLEMENT TO PAYMENTS FROM THE FUND.—

29 (1) MAJOR PARTIES.—Subject to this section, the national committee  
 30 of a major party shall be entitled to payments under paragraph (3),  
 31 with respect to any presidential nominating convention, in amounts  
 32 which, in the aggregate, shall not exceed \$4,000,000.

33 (2) MINOR PARTIES.—Subject to this section, the national committee  
 34 of a minor party shall be entitled to payments under paragraph (3),  
 35 with respect to any presidential nominating convention, in amounts  
 36 which, in the aggregate, shall not exceed an amount which bears the  
 37 same ratio to the amount the national committee of a major party is  
 38 entitled to receive under paragraph (1) as the number of popular votes  
 39 received by the candidate for President of the minor party, as such  
 40 candidate, in the preceding presidential election bears to the average  
 41 number of popular votes received by the candidates for President of the

1 United States of the major parties in the preceding presidential elec-  
2 tion.

3 (3) PAYMENTS.—Upon receipt of certification from the Commission  
4 under subsection (g), the Secretary shall make payments from the ap-  
5 propriate account maintained under subsection (a) to the national com-  
6 mittee of a major party or minor party which elects to receive its enti-  
7 tlement under this subsection. Such payments shall be available for use  
8 by such committee in accordance with subsection (e).

9 (4) LIMITATION.—Payments to the national committee of a major  
10 party or minor party under this subsection, from the account des-  
11 ignated for such committee shall be limited to the amounts in such ac-  
12 count at the time of payment.

13 (5) ADJUSTMENT OF ENTITLEMENTS.—The entitlements established  
14 by this subsection shall be adjusted in the same manner as expenditure  
15 limitations established by subsections (b) and (d) of section 1152 of  
16 this title are adjusted pursuant to section 1152(c) of this title.

17 (e) USE OF FUNDS.—No part of any payment made under subsection (b)  
18 shall be used to defray the expenses of any candidate or delegate who is  
19 participating in any presidential nominating convention. Such payments  
20 shall be used only—

21 (1) to defray expenses incurred with respect to a presidential nomi-  
22 nating convention (including the payment of deposits) by or on behalf  
23 of the national committee receiving such payments; or

24 (2) to repay loans the proceeds of which were used to defray such  
25 expenses, or otherwise to restore funds (other than contributions to de-  
26 fray such expenses received by such committee) used to defray such ex-  
27 penses.

28 (d) LIMITATION OF EXPENDITURES.—

29 (1) MAJOR PARTIES.—Except as provided by paragraph (3), the na-  
30 tional committee of a major party may not make expenditures with re-  
31 spect to a presidential nominating convention which, in the aggregate,  
32 exceed the amount of payments to which such committee is entitled  
33 under subsection (b)(1).

34 (2) MINOR PARTIES.—Except as provided by paragraph (3), the na-  
35 tional committee of a minor party may not make expenditures with re-  
36 spect to a presidential nominating convention which, in the aggregate,  
37 exceed the amount of the entitlement of the national committee of a  
38 major party under subsection (b)(1).

39 (3) EXCEPTION.—The Commission may authorize the national com-  
40 mittee of a major party or minor party to make expenditures which,  
41 in the aggregate, exceed the limitation established by paragraph (1) or

1 paragraph (2). Such authorization shall be based upon a determination  
2 by the Commission that, due to extraordinary and unforeseen cir-  
3 cumstances, such expenditures are necessary to assure the effective op-  
4 eration of the presidential nominating convention by such committee.

5 (4) PROVISION OF LEGAL OR ACCOUNTING SERVICES.—For purposes  
6 of this section, the payment, by any person other than the national  
7 committee of a political party (unless the person paying for such serv-  
8 ices is a person other than the regular employer of the individual ren-  
9 dering such services) of compensation to any individual for legal or ac-  
10 counting services rendered to or on behalf of the national committee  
11 of a political party shall not be treated as an expenditure made by or  
12 on behalf of such committee with respect to its limitations on presi-  
13 dential nominating convention expenses.

14 (e) AVAILABILITY OF PAYMENTS.—The national committee of a major  
15 party or minor party may receive payments under subsection (b)(3) begin-  
16 ning on July 1 of the calendar year immediately preceding the calendar year  
17 in which a presidential nominating convention of the political party involved  
18 is held.

19 (f) TRANSFER TO THE FUND.—If, after the close of a presidential nomi-  
20 nating convention and after the national committee of the political party in-  
21 volved has been paid the amount which it is entitled to receive under this  
22 section, there are moneys remaining in the account of such national com-  
23 mittee, the Secretary shall transfer the moneys so remaining to the fund.

24 (g) CERTIFICATION BY COMMISSION.—Any major party or minor party  
25 may file a statement with the Commission in such form and manner and  
26 at such times as it may require, designating the national committee of such  
27 party. Such statement shall include the information required by section  
28 1112(b) of this title, together with such additional information as the Com-  
29 mission may require. Upon receipt of a statement filed under the preceding  
30 sentences, the Commission promptly shall verify such statement according  
31 to such procedures and criteria as it may establish and shall certify to the  
32 Secretary for payment in full to any such committee of amounts to which  
33 such committee may be entitled under subsection (b). Such certifications  
34 shall be subject to an examination and audit which the Commission shall  
35 conduct no later than December 31, of the calendar year in which the presi-  
36 dential nominating convention involved is held.

37 (h) REPAYMENTS.—The Commission shall have the same authority to re-  
38 quire repayments from the national committee of a major party or a minor  
39 party as it has with respect to repayments from any eligible candidate under  
40 section 2506(b) of this title. Subsections (c) and (d) of section 2506 of this

1 title shall apply with respect to any repayment required by the Commission  
2 under this subsection.

3 **§ 2508. Reports to Congress; rules and regulations**

4 (a) REPORTS.—

5 (1) IN GENERAL.—The Commission shall, as soon as practicable  
6 after each presidential election, submit a full report to the Senate and  
7 House of Representatives setting forth—

8 (A) the qualified campaign expenses (shown in such detail as  
9 the Commission determines necessary) incurred by the candidates  
10 of each political party and their authorized committees;

11 (B) the amounts certified by it under section 2504 of this title  
12 for payment to the eligible candidates of each political party;

13 (C) the amount of payments, if any, required from such can-  
14 didates under section 2506 of this title, and the reasons for each  
15 payment required;

16 (D) the expenses incurred by the national committee of a major  
17 party or minor party with respect to a presidential nominating  
18 convention;

19 (E) the amounts certified by it under section 2507(g) of this  
20 title for payment to each such committee; and

21 (F) the amount of payments, if any, required from such com-  
22 mittees under section 2507(h) of this title, and the reasons for  
23 each such payment.

24 (2) PRINTING AS SENATE DOCUMENT.—Each report submitted pur-  
25 suant to this section shall be printed as a Senate document.

26 (b) RULES AND REGULATIONS.—The Commission is authorized to pre-  
27 scribe such rules and regulations in accordance with subsection (c), to con-  
28 duct such examinations and audits (in addition to the examinations and au-  
29 dits required by section 2506(a) of this title), to conduct such investiga-  
30 tions, and to require the keeping and submission of such books, records, and  
31 information, as it deems necessary to carry out the functions and duties im-  
32 posed on it by this chapter.

33 (c) REVIEW OF PROPOSED RULES AND REGULATIONS.—

34 (1) DEFINITIONS.—In this subsection:

35 (A) LEGISLATIVE DAYS.—The term “legislative days” does not  
36 include any calendar day on which both Houses of Congress are  
37 not in session.

38 (B) RULE OR REGULATION.—The term “rule or regulation”  
39 means a provision or series of interrelated provisions stating a sin-  
40 gle separable rule of law.

1           (2) TRANSMITTING STATEMENT OF PROPOSED RULE OR REGULA-  
 2           TION TO SENATE AND HOUSE.—The Commission, before prescribing  
 3           any rule or regulation under subsection (b), shall transmit a statement  
 4           with respect to such rule or regulation to the Senate and to the House  
 5           of Representatives, in accordance with this subsection. Such statement  
 6           shall set forth the proposed rule or regulation and shall contain a de-  
 7           tailed explanation and justification of such rule or regulation.

8           (3) AUTHORITY TO PRESCRIBE PROPOSED RULE OR REGULATION IF  
 9           NEITHER SENATE OR HOUSE DISAPPROVES.—If neither the Senate or  
 10          House of Representatives, through appropriate action, disapproves the  
 11          proposed rule or regulation set forth in such statement within 30 legis-  
 12          lative days after receipt of the statement, then the Commission may  
 13          prescribe the rule or regulation. Whenever a committee of the House  
 14          of Representatives reports any resolution relating to any such rule or  
 15          regulation, it is at any time thereafter in order (even though a previous  
 16          motion to the same effect has been disagreed to) to move to proceed  
 17          to the consideration of the resolution. The motion is highly privileged  
 18          and is not debatable. An amendment to the motion is not in order, and  
 19          it is not in order to move to reconsider the vote by which the motion  
 20          is agreed to or disagreed to. The Commission may not prescribe any  
 21          rule or regulation which is disapproved by either such House under this  
 22          paragraph.

23       **§ 2509. Participation by Commission in judicial proceedings**

24          (a) APPEARANCE BY COUNSEL.—The Commission is authorized to appear  
 25          in and defend against any action filed under section 2510 of this title, either  
 26          by attorneys employed in its office or by counsel whom it may appoint with-  
 27          out regard to the provisions of title 5 governing appointments in the com-  
 28          petitive service, and whose compensation it may fix without regard to chap-  
 29          ter 51 and subchapter III of chapter 53 of title 5.

30          (b) RECOVERY OF CERTAIN PAYMENTS.—The Commission is authorized  
 31          through attorneys and counsel described in subsection (a) to appear in the  
 32          district courts of the United States to seek recovery of any amounts deter-  
 33          mined to be payable to the Secretary of the Treasury as a result of exam-  
 34          ination and audit made pursuant to section 2506 of this title.

35          (c) DECLARATORY AND INJUNCTIVE RELIEF.—The Commission is au-  
 36          thorized through attorneys and counsel described in subsection (a) to peti-  
 37          tion the courts of the United States for declaratory or injunctive relief con-  
 38          cerning any civil matter covered by this chapter, chapter 27 of this title,  
 39          or section 6096 of the Internal Revenue Code of 1986 (26 U.S.C. 6096).  
 40          Upon application of the Commission an action brought pursuant to this sub-

1 section shall be heard and determined by a court of 3 judges in accordance  
2 with section 2284 of title 28, and any appeal shall lie to the Supreme Court.

3 (d) APPEAL.—The Commission is authorized on behalf of the United  
4 States to appeal from, and to petition the Supreme Court for certiorari to  
5 review, judgments or decrees entered with respect to actions in which it ap-  
6 pears pursuant to the authority provided in this section.

7 **§ 2510. Judicial review**

8 (a) REVIEW OF CERTIFICATION, DETERMINATION, OR OTHER ACTION BY  
9 THE COMMISSION.—Any certification, determination, or other action by the  
10 Commission made or taken pursuant to this chapter shall be subject to re-  
11 view by the United States Court of Appeals for the District of Columbia  
12 upon petition filed in such Court by any interested person. Any petition filed  
13 pursuant to this section shall be filed within 30 days after the certification,  
14 determination, or other action by the Commission for which review is  
15 sought.

16 (b) SUITS TO IMPLEMENT CHAPTER.—

17 (1) AUTHORITY TO INSTITUTE ACTIONS.—The Commission, the na-  
18 tional committee of any political party, and individuals eligible to vote  
19 for President are authorized to institute such actions, including actions  
20 for declaratory judgment or injunctive relief, as may be appropriate to  
21 implement or construe any provisions of this chapter.

22 (2) JURISDICTION.—The district courts of the United States shall  
23 have jurisdiction of proceedings instituted pursuant to this subsection  
24 and shall exercise the same without regard to whether a person assert-  
25 ing rights under this subsection shall have exhausted any administra-  
26 tive or other remedies that may be provided at law. Such proceedings  
27 shall be heard and determined by a court of 3 judges in accordance  
28 with section 2284 of title 28, and any appeal shall lie to the Supreme  
29 Court.

30 **§ 2511. Criminal penalties**

31 (a) EXCESS EXPENSES.—

32 (1) IN GENERAL.—It shall be unlawful for an eligible candidate of  
33 a political party for President and Vice President in a presidential elec-  
34 tion or any of the candidate's authorized committees knowingly and  
35 willfully to incur qualified campaign expenses in excess of the aggregate  
36 payments to which the eligible candidates of a major party are entitled  
37 under section 2503 of this title with respect to such election. It shall  
38 be unlawful for the national committee of a major party or minor party  
39 knowingly and willfully to incur expenses with respect to a presidential  
40 nominating convention in excess of the expenditure limitation applicable  
41 with respect to such committee under section 2507(d) of this title, un-

1 less the incurring of such expenses is authorized by the Commission  
2 under section 2507(d)(3) of this title.

3 (2) VIOLATIONS.—Any person who violates paragraph (1) shall be  
4 fined not more than \$5,000, imprisoned not more than one year, or  
5 both. In the case of a violation by an authorized committee, any officer  
6 or member of such committee who knowingly and willfully consents to  
7 such violation shall be fined not more than \$5,000, imprisoned not  
8 more than one year, or both.

9 (b) CONTRIBUTIONS.—

10 (1) MAJOR PARTIES.—It shall be unlawful for an eligible candidate  
11 of a major party in a presidential election or any of the candidate's  
12 authorized committees knowingly and willfully to accept any contribu-  
13 tion to defray qualified campaign expenses, except to the extent nec-  
14 essary to make up any deficiency in payments received out of the fund  
15 on account of the application of section 2505(e) of this title, or to de-  
16 fray expenses which would be qualified campaign expenses but for sec-  
17 tion 2501(12)(A)(iii) of this title.

18 (2) OTHER THAN MAJOR PARTIES.—It shall be unlawful for an eligi-  
19 ble candidate of a political party (other than a major party) in a presi-  
20 dential election or any of the candidate's authorized committees know-  
21 ingly and willfully to accept and expend or retain contributions to de-  
22 fray qualified campaign expenses in an amount which exceeds the  
23 qualified campaign expenses incurred with respect to such election by  
24 such eligible candidate and his authorized committees.

25 (3) VIOLATIONS.—Any person who violates paragraph (1) or (2)  
26 shall be fined not more than \$5,000, imprisoned not more than one  
27 year, or both. In the case of a violation by an authorized committee,  
28 any officer or member of such committee who knowingly and willfully  
29 consents to such violation shall be fined not more than \$5,000, impris-  
30 oned not more than one year, or both.

31 (c) UNLAWFUL USE OF PAYMENTS.—

32 (1) SECTION 2505 PAYMENTS.—It shall be unlawful for any person  
33 who receives any payment under section 2505 of this title, or to whom  
34 any portion of any payment received under such section is transferred,  
35 knowingly and willfully to use, or authorize the use of, such payment  
36 or such portion for any purpose other than—

37 (A) to defray the qualified campaign expenses with respect to  
38 which such payment was made; or

39 (B) to repay loans the proceeds of which were used, or other-  
40 wise to restore funds (other than contributions to defray qualified

1 campaign expenses which were received and expended) which were  
2 used, to defray such qualified campaign expenses.

3 (2) SECTION 2507 PAYMENTS.—It shall be unlawful for the national  
4 committee of a major party or minor party which receives any payment  
5 under section 2507(b)(3) of this title to use, or authorize the use of,  
6 such payment for any purpose other than a purpose authorized by sec-  
7 tion 2507(c) of this title.

8 (3) VIOLATIONS.—Any person who violates paragraph (1) shall be  
9 fined not more than \$10,000, imprisoned not more than 5 years, or  
10 both.

11 (d) FALSE STATEMENTS.—

12 (1) IN GENERAL.—It shall be unlawful for any person knowingly and  
13 willfully—

14 (A) to furnish any false, fictitious, or fraudulent evidence,  
15 books, or information to the Commission under this chapter or  
16 chapter 27 of this title, or to include in any evidence, books, or  
17 information so furnished any misrepresentation of a material fact,  
18 or to falsify or conceal any evidence, books, or information rel-  
19 evant to a certification by the Commission or an examination and  
20 audit by the Commission under this chapter; or

21 (B) to fail to furnish to the Commission any records, books, or  
22 information requested by it for purposes of this chapter.

23 (2) VIOLATIONS.—Any person who violates paragraph (1) shall be  
24 fined not more than \$10,000, imprisoned not more than 5 years, or  
25 both.

26 (e) KICKBACKS AND ILLEGAL PAYMENTS.—

27 (1) IN GENERAL.—It shall be unlawful for any person knowingly and  
28 willfully to give or accept any kickback or any illegal payment in con-  
29 nection with any qualified campaign expense of eligible candidates or  
30 their authorized committees. It shall be unlawful for the national com-  
31 mittee of a major party or minor party knowingly and willfully to give  
32 or accept any kickback or any illegal payment in connection with any  
33 expense incurred by such committee with respect to a presidential  
34 nominating convention.

35 (2) VIOLATIONS.—Any person who violates paragraph (1) shall be  
36 fined not more than \$10,000, imprisoned not more than 5 years, or  
37 both.

38 (3) REPAYMENT OF 125 PERCENT.—In addition to the penalty pro-  
39 vided by paragraph (2), any person who accepts any kickback or illegal  
40 payment in connection with any qualified campaign expense of eligible  
41 candidates or their authorized committees, or in connection with any

1 expense incurred by the national committee of a major party or minor  
 2 party with respect to a presidential nominating convention shall pay to  
 3 the Secretary of the Treasury, for deposit in the general fund of the  
 4 Treasury, an amount equal to 125 percent of the kickback or payment  
 5 received.

6 (f) UNAUTHORIZED EXPENDITURES AND CONTRIBUTIONS.—

7 (1) IN GENERAL.—Except as provided in paragraph (2), it shall be  
 8 unlawful for any political committee which is not an authorized com-  
 9 mittee with respect to the eligible candidates of a political party for  
 10 President and Vice President in a presidential election knowingly and  
 11 willfully to incur expenditures to further the election of such can-  
 12 didates, which would constitute qualified campaign expenses if incurred  
 13 by an authorized committee of such candidates, in an aggregate  
 14 amount exceeding \$1,000.

15 (2) EXCEPTION.—This subsection shall not apply to—

16 (A) expenditures by a broadcaster regulated by the Federal  
 17 Communications Commission, or by a periodical publication, in re-  
 18 porting the news or in taking editorial positions; or

19 (B) expenditures by any organization described in section  
 20 501(e) of the Internal Revenue Code of 1986 (26 U.S.C. 501(e))  
 21 which is exempt from tax under section 501(a) of the Internal  
 22 Revenue Code of 1986 (26 U.S.C. 501(a)) in communicating to  
 23 its members the views of that organization.

24 (3) VIOLATIONS.—Any political committee which violates paragraph  
 25 (1) shall be fined not more than \$5,000, and any officer or member  
 26 of such committee who knowingly and willfully consents to such viola-  
 27 tion and any other individual who knowingly and willfully violates para-  
 28 graph (1) shall be fined not more than \$5,000, imprisoned not more  
 29 than one year, or both.

30 (g) UNAUTHORIZED DISCLOSURE OF INFORMATION.—

31 (1) IN GENERAL.—It shall be unlawful for any individual to disclose  
 32 any information obtained under this chapter except as may be required  
 33 by law.

34 (2) VIOLATION.—Any person who violates paragraph (1) shall be  
 35 fined not more than \$5,000, imprisoned not more than one year, or  
 36 both.

37 **CHAPTER 27—PRESIDENTIAL PRIMARY MATCHING**  
 38 **PAYMENT ACCOUNT**

Sec.

2701. Definitions.

2702. Eligibility for payments.

2703. Entitlement of eligible candidates to payments.

2704. Qualified campaign expense limitations.

2705. Certification by Commission.  
 2706. Payments to eligible candidates.  
 2707. Examinations and audits; repayments.  
 2708. Reports to Congress; rules and regulations.  
 2709. Participation by Commission in judicial proceedings.  
 2710. Judicial review.  
 2711. Criminal penalties.

1     **§ 2701. Definitions**

2     In this chapter:

3           (1) **AUTHORIZED COMMITTEE.**—The term “authorized committee”  
 4           means, with respect to the candidates of a political party for President  
 5           and Vice President of the United States, any political committee which  
 6           is authorized in writing by such candidates to incur expenses to further  
 7           the election of such candidates. Such authorization shall be addressed  
 8           to the chairman of such political committee, and a copy of such author-  
 9           ization shall be filed by such candidates with the Commission. Any  
 10          withdrawal of any authorization shall also be in writing and shall be  
 11          addressed and filed in the same manner as the authorization.

12          (2) **CANDIDATE.**—

13           (A) **IN GENERAL.**—The term “candidate” means an individual  
 14           who seeks nomination for election to be President of the United  
 15           States. For purposes of this paragraph, an individual shall be con-  
 16           sidered to seek nomination for election if the individual—

17           (i) takes the action necessary under the law of a State to  
 18           qualify for nomination for election;

19           (ii) receives contributions or incurs qualified campaign ex-  
 20           penses; or

21           (iii) gives consent for any other person to receive contribu-  
 22           tions or to incur qualified campaign expenses on the individ-  
 23           ual’s behalf.

24           (B) **NOT INCLUDED.**—The term “candidate” shall not include  
 25           any individual who is not actively conducting campaigns in more  
 26           than one State in connection with seeking nomination for election  
 27           to be President of the United States.

28          (3) **COMMISSION.**—The term “Commission” means the Federal Elec-  
 29          tion Commission established by section 1131(a)(1) of this title.

30          (4) **CONTRIBUTION.**—Except as provided by section 2703(a) of this  
 31          title, the term “contribution”—

32           (A) means a gift, subscription, loan, advance, or deposit of  
 33           money, or anything of value, the payment of which was made on  
 34           or after the beginning of the calendar year immediately preceding  
 35           the calendar year of the presidential election with respect to which  
 36           such gift, subscription, loan, advance, or deposit or money, or any-

1 thing of value, is made, for the purpose of influencing the result  
2 of a primary election;

3 (B) means a contract, promise, or agreement, whether or not  
4 legally enforceable, to make a contribution for any such purpose;

5 (C) means funds received by a political committee which are  
6 transferred to that committee from another committee; and

7 (D) means the payment by any person other than a candidate,  
8 or the candidate's authorized committee, of compensation for the  
9 personal services of another person which are rendered to the can-  
10 didate or committee without charge; but

11 (E) does not include—

12 (i) except as provided in subparagraph (D), the value of  
13 personal services rendered to or for the benefit of a candidate  
14 by an individual who receives no compensation for rendering  
15 such service to or for the benefit of the candidate; or

16 (ii) payments under section 2706 of this title.

17 (5) MATCHING PAYMENT ACCOUNT.—The term “matching payment  
18 account” means the Presidential Primary Matching Payment Account  
19 established under section 2706(a) of this title.

20 (6) MATCHING PAYMENT PERIOD.—The term “matching payment  
21 period” means the period beginning with the beginning of the calendar  
22 year in which a general election for the office of President of the  
23 United States will be held and ending on the date on which the na-  
24 tional convention of the party whose nomination a candidate seeks  
25 nominates its candidate for the office of President of the United States,  
26 or, in the case of a party which does not make such nomination by na-  
27 tional convention, ending on the earlier of—

28 (A) the date such party nominates its candidate for the office  
29 of President of the United States; or

30 (B) the last day of the last national convention held by a major  
31 party during such calendar year.

32 (7) POLITICAL COMMITTEE.—The term “political committee” means  
33 any individual, committee, association, or organization (whether or not  
34 incorporated) which accepts contributions or incurs qualified campaign  
35 expenses for the purpose of influencing, or attempting to influence, the  
36 nomination of any person for election to the office of President of the  
37 United States.

38 (8) PRIMARY ELECTION.—The term “primary election” means an  
39 election, including a runoff election or a nominating convention or cau-  
40 cus held by a political party, for the selection of delegates to a national  
41 nominating convention of a political party, or for the expression of a

1 preference for the nomination of persons for election to the office of  
2 President of the United States.

3 (9) QUALIFIED CAMPAIGN EXPENSE.—

4 (A) IN GENERAL.—The term “qualified campaign expense”  
5 means a purchase, payment, distribution, loan, advance, deposit,  
6 or gift of money or of anything of value—

7 (i) incurred by a candidate, or by the candidate’s author-  
8 ized committee, in connection with the candidate’s campaign  
9 for nomination for election; and

10 (ii) neither the incurring nor payment of which constitutes  
11 a violation of any law of the United States or of the State  
12 in which the expense is incurred or paid.

13 (B) PERSON AUTHORIZED TO INCUR EXPENSE.—For purposes  
14 of this paragraph, an expense is incurred by a candidate or by an  
15 authorized committee if it is incurred by a person specifically au-  
16 thorized in writing by the candidate or committee, as the case may  
17 be, to incur such expense on behalf of the candidate or the com-  
18 mittee.

19 (10) SECRETARY.—The term “Secretary” means the Secretary of  
20 the Treasury or a delegate of the Secretary of the Treasury. A delegate  
21 of the Secretary of the Treasury is any officer, employee, or agency of  
22 the Treasury Department duly authorized by the Secretary of the  
23 Treasury directly, or indirectly by one or more redelegations of author-  
24 ity, to perform the function mentioned or described in the context.

25 (11) STATE.—The term “State” means each State of the United  
26 States and the District of Columbia.

27 **§ 2702. Eligibility for payments**

28 (a) CONDITIONS.—To be eligible to receive payments under section 2706  
29 of this title, a candidate shall, in writing—

30 (1) agree to obtain and furnish to the Commission any evidence it  
31 may request of qualified campaign expenses;

32 (2) agree to keep and furnish to the Commission any records, books,  
33 and other information it may request; and

34 (3) agree to an audit and examination by the Commission under sec-  
35 tion 2707 of this title and to pay any amounts required to be paid  
36 under such section.

37 (b) CERTIFICATIONS RELATED TO EXPENSE LIMITATIONS, DECLARA-  
38 TIONS OF INTENT, AND MINIMUM CONTRIBUTIONS.—

39 (1) DEFINITION OF CONTRIBUTION.—In this subsection, the term  
40 “contribution” has the meaning given the term in section 2703(a)(1)  
41 of this title.

1 (2) CERTIFICATIONS.—To be eligible to receive payments under sec-  
 2 tion 2706 of this title, a candidate shall certify to the Commission  
 3 that—

4 (A) the candidate and the candidate's authorized committees  
 5 will not incur qualified campaign expenses in excess of the limita-  
 6 tions on such expenses under section 2704 of this title;

7 (B) the candidate is seeking nomination by a political party for  
 8 election to the office of President of the United States; and

9 (C)(i) the candidate has received matching contributions which,  
 10 in the aggregate, exceed \$5,000 in contributions from residents of  
 11 each of at least 20 States; and

12 (ii) the aggregate of contributions certified with respect to any  
 13 person under clause (i) does not exceed \$250.

14 (c) TERMINATION OF PAYMENTS.—

15 (1) GENERAL RULE.—Except as provided by paragraph (2), no pay-  
 16 ment shall be made to any individual under section 2706 of this title—

17 (A) if the individual ceases to be a candidate as a result of the  
 18 operation of section 2701(2)(B) of this title; or

19 (B) more than 30 days after the date of the second consecutive  
 20 primary election in which the individual receives less than 10 per-  
 21 cent of the number of votes cast for all candidates of the same  
 22 party for the same office in such primary election, if the individual  
 23 permitted or authorized the appearance of the individual's name  
 24 on the ballot, unless the individual certifies to the Commission  
 25 that the individual will not be an active candidate in the primary  
 26 involved.

27 (2) PAYMENTS FOR QUALIFIED EXPENSES INCURRED BEFORE INELI-  
 28 GIBILITY.—Any candidate who is ineligible under paragraph (1) to re-  
 29 ceive any payments under section 2706 of this title shall be eligible to  
 30 continue to receive payments under section 2706 of this title to defray  
 31 qualified campaign expenses incurred before the date upon which such  
 32 candidate becomes ineligible under paragraph (1).

33 (3) CALCULATION OF VOTING PERCENTAGE.—For purposes of para-  
 34 graph (1)(B), if the primary elections involved are held in more than  
 35 one State on the same date, a candidate shall be treated as receiving  
 36 that percentage of the votes on such date which the candidate received  
 37 in the primary election conducted on such date in which the candidate  
 38 received the greatest percentage vote.

39 (4) REESTABLISHMENT OF ELIGIBILITY.—

40 (A) INDIVIDUAL ACTIVELY SEEKING ELECTION.—In any case in  
 41 which an individual is ineligible to receive payments under section

1           2706 of this title as a result of the operation of paragraph (1)(A),  
 2           the Commission may subsequently determine that such individual  
 3           is a candidate upon a finding that such individual is actively seek-  
 4           ing election to the office of President of the United States in more  
 5           than one State. The Commission shall make such determination  
 6           without requiring such individual to reestablish the individual's eli-  
 7           gibility to receive payments under subsection (a).

8           (B) RECEIPT OF 20 PERCENT OF TOTAL VOTES.—Notwith-  
 9           standing paragraph (1)(B), a candidate whose payments have been  
 10          terminated under paragraph (1)(B) may again receive payments  
 11          (including amounts the candidate would have received but for  
 12          paragraph (1)(B)) if the candidate receives 20 percent or more of  
 13          the total number of votes cast for candidates of the same party  
 14          in a primary election held after the date on which the election was  
 15          held which was the basis for terminating payments to that can-  
 16          didate.

17       **§ 2703. Entitlement of eligible candidates to payments**

18       (a) IN GENERAL.—

19           (1) DEFINITION OF CONTRIBUTION.—In this subsection and section  
 20          2702(b) of this title, the term “contribution” means a gift of money  
 21          made by a written instrument which identifies the person making the  
 22          contribution by full name and mailing address, but does not include a  
 23          subscription, loan, advance, or deposit of money, or anything of value  
 24          or anything described in subparagraph (B), (C), or (D) of section  
 25          2701(4) of this title.

26           (2) ENTITLEMENT.—Every candidate who is eligible to receive pay-  
 27          ments under section 2702 of this title is entitled to payments under  
 28          section 2706 of this title in an amount equal to the amount of each  
 29          contribution received by such candidate on or after the beginning of the  
 30          calendar year immediately preceding the calendar year of the presi-  
 31          dential election with respect to which such candidate is seeking nomina-  
 32          tion, or by the candidate's authorized committees, disregarding any  
 33          amount of contributions from any person to the extent that the total  
 34          of the amounts contributed by such person on or after the beginning  
 35          of such preceding calendar year exceeds \$250.

36       (b) LIMITATIONS.—The total amount of payments to which a candidate  
 37          is entitled under subsection (a) shall not exceed 50 percent of the expendi-  
 38          ture limitation applicable under section 1152(b)(1)(A) of this title.

39       **§ 2704. Qualified campaign expense limitations**

40       (a) DEFINITION OF IMMEDIATE FAMILY.—In this section, the term “im-  
 41          mediate family” means a candidate's spouse, and any child, parent, grand-

1 parent, brother, half-brother, sister, or half-sister of the candidate, and the  
2 spouses of such persons.

3 (b) EXPENDITURE LIMITATIONS.—No candidate shall knowingly incur  
4 qualified campaign expenses in excess of the expenditure limitation applica-  
5 ble under section 1152(b)(1)(A) of this title, and no candidate shall know-  
6 ingly make expenditures from the candidate's personal funds, or the per-  
7 sonal funds of the candidate's immediate family, in connection with the can-  
8 didate's campaign for nomination for election to the office of President in  
9 excess of, in the aggregate, \$50,000.

#### 10 **§ 2705. Certification by Commission**

11 (a) INITIAL CERTIFICATIONS.—Not later than 10 days after a candidate  
12 establishes eligibility under section 2702 of this title to receive payments  
13 under section 2706 of this title, the Commission shall certify to the Sec-  
14 retary for payment to such candidate under section 2706 of this title pay-  
15 ment in full of amounts to which such candidate is entitled under section  
16 2703 of this title. The Commission shall make such additional certifications  
17 as may be necessary to permit candidates to receive payments for contribu-  
18 tions under section 2706 of this title.

19 (b) FINALITY OF DETERMINATIONS.—Initial certifications by the Com-  
20 mission under subsection (a), and all determinations made by it under this  
21 chapter, are final and conclusive, except to the extent that they are subject  
22 to examination and audit by the Commission under section 2707 of this title  
23 and judicial review under section 2710 of this title.

#### 24 **§ 2706. Payments to eligible candidates**

25 (a) ESTABLISHMENT OF ACCOUNT.—The Secretary shall maintain in the  
26 Presidential Election Campaign Fund established by section 2505(a) of this  
27 title, in addition to any account which the Secretary maintains under such  
28 section, a separate account to be known as the Presidential Primary Match-  
29 ing Payment Account. The Secretary shall deposit into the matching pay-  
30 ment account, for use by the candidate of any political party who is eligible  
31 to receive payments under section 2702 of this title, the amount available  
32 after the Secretary determines that amounts for payments under section  
33 2505(b) of this title and for payments under section 2507(b)(3) of this title  
34 are available for such payments.

35 (b) PAYMENTS FROM THE MATCHING PAYMENT ACCOUNT.—Upon re-  
36 ceipt of a certification from the Commission under section 2705 of this title,  
37 but not before the beginning of the matching payment period, the Secretary  
38 shall promptly transfer the amount certified by the Commission from the  
39 matching payment account to the candidate. In making such transfers to  
40 candidates of the same political party, the Secretary shall seek to achieve  
41 an equitable distribution of funds available under subsection (a), and the

1 Secretary shall take into account, in seeking to achieve an equitable dis-  
2 tribution, the sequence in which such certifications are received.

3 **§ 2707. Examinations and audits; repayments**

4 (a) EXAMINATIONS AND AUDITS.—After each matching payment period,  
5 the Commission shall conduct a thorough examination and audit of the  
6 qualified campaign expenses of every candidate and every candidate's au-  
7 thorized committees who received payments under section 2706 of this title.

8 (b) REPAYMENTS.—

9 (1) PAYMENTS IN EXCESS OF ENTITLED AMOUNTS.—If the Commis-  
10 sion determines that any portion of the payments made to a candidate  
11 from the matching payment account was in excess of the aggregate  
12 amount of payments to which such candidate was entitled under section  
13 2703 of this title, it shall notify the candidate, and the candidate shall  
14 pay to the Secretary an amount equal to the amount of excess pay-  
15 ments.

16 (2) PAYMENTS USED FOR OTHER THAN SPECIFIED PURPOSES.—If  
17 the Commission determines that any amount of any payment made to  
18 a candidate from the matching payment account was used for any pur-  
19 pose other than—

20 (A) to defray the qualified campaign expenses with respect to  
21 which such payment was made; or

22 (B) to repay loans the proceeds of which were used, or other-  
23 wise to restore funds (other than contributions to defray qualified  
24 campaign expenses which were received and expended) which were  
25 used, to defray qualified campaign expenses;

26 it shall notify such candidate of the amount so used, and the candidate  
27 shall pay to the Secretary an amount equal to such amount.

28 (3) UNEXPENDED BALANCE REMAINING AFTER 6 MONTHS.—  
29 Amounts received by a candidate from the matching payment account  
30 may be retained for the liquidation of all obligations to pay qualified  
31 campaign expenses incurred for a period not exceeding 6 months after  
32 the end of the matching payment period. After all obligations have been  
33 liquidated, that portion of any unexpended balance remaining in the  
34 candidate's accounts which bears the same ratio to the total unex-  
35 pended balance as the total amount received from the matching pay-  
36 ment account bears to the total of all deposits made into the can-  
37 didate's accounts shall be promptly repaid to the matching payment ac-  
38 count.

39 (c) NOTIFICATION.—No notification shall be made by the Commission  
40 under subsection (b) with respect to a matching payment period more than  
41 3 years after the end of such period.

1 (d) DEPOSIT OF REPAYMENTS.—All payments received by the Secretary  
 2 under subsection (b) shall be deposited by the Secretary in the matching  
 3 payment account.

4 **§ 2708. Reports to Congress; rules and regulations**

5 (a) REPORTS.—

6 (1) IN GENERAL.—The Commission shall, as soon as practicable  
 7 after each matching payment period, submit a full report to the Senate  
 8 and House of Representatives setting forth—

9 (A) the qualified campaign expenses (shown in such detail as  
 10 the Commission determines necessary) incurred by the candidates  
 11 of each political party and their authorized committees;

12 (B) the amounts certified by it under section 2705 of this title  
 13 for payment to each eligible candidate; and

14 (C) the amount of payments, if any, required from candidates  
 15 under section 2707 of this title, and the reasons for each payment  
 16 required.

17 (2) PRINTING AS SENATE DOCUMENT.—Each report submitted pur-  
 18 suant to this section shall be printed as a Senate document.

19 (b) RULES AND REGULATIONS.—The Commission is authorized to pre-  
 20 scribe rules and regulations in accordance with subsection (c), to conduct  
 21 examinations and audits (in addition to the examinations and audits re-  
 22 quired by section 2707(a) of this title), to conduct investigations, and to re-  
 23 quire the keeping and submission of any books, records, and information,  
 24 which it determines to be necessary to carry out its responsibilities under  
 25 this chapter.

26 (c) REVIEW OF PROPOSED RULES AND REGULATIONS.—

27 (1) DEFINITIONS.—In this subsection:

28 (A) LEGISLATIVE DAYS.—The term “legislative days” does not  
 29 include any calendar day on which both Houses of Congress are  
 30 not in session.

31 (B) RULE OR REGULATION.—The term “rule or regulation”  
 32 means a provision or series of interrelated provisions stating a sin-  
 33 gle separable rule of law.

34 (2) TRANSMITTING STATEMENT OF PROPOSED RULE OR REGULA-  
 35 TION TO SENATE AND HOUSE.—The Commission, before prescribing  
 36 any rule or regulation under subsection (b), shall transmit a statement  
 37 with respect to such rule or regulation to the Senate and to the House  
 38 of Representatives, in accordance with this subsection. Such statement  
 39 shall set forth the proposed rule or regulation and shall contain a de-  
 40 tailed explanation and justification of such rule or regulation.

1           (3) AUTHORITY TO PRESCRIBE PROPOSED RULE OR REGULATION IF  
 2           NEITHER SENATE OR HOUSE DISAPPROVES.—If neither the Senate or  
 3           House of Representatives, through appropriate action, disapproves the  
 4           proposed rule or regulation set forth in such statement within 30 legis-  
 5           lative days after receipt of the statement, then the Commission may  
 6           prescribe the rule or regulation. Whenever a committee of the House  
 7           of Representatives reports any resolution relating to any such rule or  
 8           regulation, it is at any time thereafter in order (even though a previous  
 9           motion to the same effect has been disagreed to) to move to proceed  
 10          to the consideration of the resolution. The motion is highly privileged  
 11          and is not debatable. An amendment to the motion is not in order, and  
 12          it is not in order to move to reconsider the vote by which the motion  
 13          is agreed to or disagreed to. The Commission may not prescribe any  
 14          rule or regulation which is disapproved by either such House under this  
 15          paragraph.

16       **§ 2709. Participation by Commission in judicial proceedings**

17          (a) APPEARANCE BY COUNSEL.—The Commission is authorized to appear  
 18          in and defend against any action instituted under this section, either by at-  
 19          torneys employed in its office or by counsel whom it may appoint without  
 20          regard to the provisions of title 5 governing appointments in the competitive  
 21          service, and whose compensation it may fix without regard to chapter 51  
 22          and subchapter III of chapter 53 of title 5.

23          (b) RECOVERY OF CERTAIN PAYMENTS.—The Commission is authorized,  
 24          through attorneys and counsel described in subsection (a), to institute ac-  
 25          tions in the district courts of the United States to seek recovery of any  
 26          amounts determined to be payable to the Secretary as a result of an exam-  
 27          ination and audit made pursuant to section 2707 of this title.

28          (c) INJUNCTIVE RELIEF.—The Commission is authorized, through attor-  
 29          neys and counsel described in subsection (a), to petition the courts of the  
 30          United States for such injunctive relief as is appropriate to implement any  
 31          provision of this chapter.

32          (d) APPEAL.—The Commission is authorized on behalf of the United  
 33          States to appeal from, and to petition the Supreme Court for certiorari to  
 34          review, judgments or decrees entered with respect to actions in which it ap-  
 35          pears pursuant to the authority provided in this section.

36       **§ 2710. Judicial review**

37          (a) REVIEW OF AGENCY ACTION BY THE COMMISSION.—Any agency ac-  
 38          tion by the Commission made under this chapter shall be subject to review  
 39          by the United States Court of Appeals for the District of Columbia Circuit  
 40          upon petition filed in such court within 30 days after the agency action by  
 41          the Commission for which review is sought.

1 (b) REVIEW PROCEDURES.—Chapter 7 of title 5 applies to judicial review  
2 of any agency action, as defined in section 551(13) of title 5, by the Com-  
3 mission.

4 **§ 2711. Criminal penalties**

5 (a) EXCESS CAMPAIGN EXPENSES.—Any person who violates section  
6 2704 of this title shall be fined not more than \$25,000, imprisoned not  
7 more than 5 years, or both. Any officer or member of any political com-  
8 mittee who knowingly consents to any expenditure in violation of section  
9 2704 of this title shall be fined not more than \$25,000, imprisoned not  
10 more than 5 years, or both.

11 (b) UNLAWFUL USE OF PAYMENTS.—

12 (1) UNLAWFUL.—It is unlawful for any person who receives any pay-  
13 ment under section 2706 of this title, or to whom any portion of any  
14 such payment is transferred, knowingly and willfully to use, or author-  
15 ize the use of, such payment or such portion for any purpose other  
16 than—

17 (A) to defray qualified campaign expenses; or

18 (B) to repay loans the proceeds of which were used, or other-  
19 wise to restore funds (other than contributions to defray qualified  
20 campaign expenses which were received and expended) which were  
21 used, to defray qualified campaign expenses.

22 (2) PENALTIES.—Any person who violates paragraph (1) shall be  
23 fined not more than \$10,000, imprisoned not more than 5 years, or  
24 both.

25 (c) FALSE STATEMENTS.—

26 (1) UNLAWFUL.—It is unlawful for any person knowingly and will-  
27 fully—

28 (A) to furnish any false, fictitious, or fraudulent evidence,  
29 books, or information to the Commission under this chapter, or to  
30 include in any evidence, books, or information so furnished any  
31 misrepresentation of a material fact, or to falsify or conceal any  
32 evidence, books, or information relevant to a certification by the  
33 Commission or an examination and audit by the Commission  
34 under this chapter; or

35 (B) to fail to furnish to the Commission any records, books, or  
36 information requested by it for purposes of this chapter.

37 (2) PENALTIES.—Any person who violates paragraph (1) shall be  
38 fined not more than \$10,000, imprisoned not more than 5 years, or  
39 both.

40 (d) KICKBACKS AND ILLEGAL PAYMENTS.—

1 (1) UNLAWFUL.—It is unlawful for any person knowingly and will-  
 2 fully to give or accept any kickback or any illegal payment in connec-  
 3 tion with any qualified campaign expense of a candidate, or the can-  
 4 didate’s authorized committees, who receives payments under section  
 5 2706 of this title.

6 (2) PENALTIES.—Any person who violates paragraph (1) shall be  
 7 fined not more than \$10,000, imprisoned not more than 5 years, or  
 8 both.

9 (3) PAYMENT OF AMOUNT EQUAL TO 125 PERCENT OF KICKBACK.—  
 10 In addition to the penalty provided by paragraph (2), any person who  
 11 accepts any kickback or illegal payment in connection with any quali-  
 12 fied campaign expense of a candidate or the candidate’s authorized  
 13 committees shall pay to the Secretary for deposit in the matching pay-  
 14 ment account, an amount equal to 125 percent of the kickback or pay-  
 15 ment received.

16 **SEC. 4. CONFORMING AMENDMENTS AND PROVISIONS.**

17 (a) HELP AMERICA VOTE ACT OF 2002.—

18 (1) CONFORMITY WITH TITLE 52, UNITED STATES CODE.—The Help  
 19 America Vote Act of 2002 (Public Law 107–252, 116 Stat. 1666) is  
 20 amended by adding, immediately following section 1:

21 **“SEC. 2. CONFORMITY WITH TITLE 52, UNITED STATES CODE.**

22 **“(a) REFERENCES TO CHAPTER 13 OF TITLE 52.—**

23 **“(1) REFERENCES WITHIN THE CHAPTER.—**As used in the following  
 24 provisions of chapter 13 of title 52, United States Code, the words ‘this  
 25 chapter’ are deemed to refer also to this Act:

26 “(A) Section 1314(c) of title 52, United States Code.

27 “(B) Section 1315 of title 52, United States Code.

28 “(C) Section 1316 of title 52, United States Code.

29 “(D) Section 1317 of title 52, United States Code.

30 “(E) Section 1318 of title 52, United States Code.

31 “(F) Section 1329 of title 52, United States Code.

32 “(G) Section 1336(e)(3) of title 52, United States Code.

33 “(H) Section 1357(b)(3) of title 52, United States Code.

34 “(I) Section 1358(e)(1) of title 52, United States Code.

35 “(J) Section 1361(3) of title 52, United States Code.

36 “(K) Section 1368(c)(1) of title 52, United States Code.

37 “(L) Section 1375(b)(1) of title 52, United States Code.

38 “(M) Section 1406 of title 52, United States Code.

39 “(N) Section 1301 (with respect to the definition of ‘State’ in  
 40 paragraph (2)) of title 52, United States Code.

41 “(O) Section 1421 of title 52, United States Code.

1           “(P) Section 1423(a) of title 52, United States Code.

2           “(2) REFERENCE IN SECTION 1712 OF TITLE 52.—As used in section  
3           1712(b)(7) of title 52, United States Code, the words ‘Chapter 13 of  
4           this title’ are deemed to refer also to this Act.

5           “(b) REFERENCES TO PART D OF SUBCHAPTER II OF CHAPTER 13 OF  
6           TITLE 52.—

7           “(1) REFERENCE IN SECTION 1312 OF TITLE 52.—As used in section  
8           1312(3) of title 52, United States Code, the words ‘part D’ are deemed  
9           to refer also to subtitle C of title II of this Act.

10          “(2) REFERENCE IN SECTION 1346 OF TITLE 52.—As used in section  
11          1346 of title 52, United States Code, the words ‘this part’ are deemed  
12          to refer also to subtitle C of title II of this Act.

13          “(c) REFERENCES TO SUBCHAPTER II OF CHAPTER 13 OF TITLE 52.—  
14          As used in the following provisions of subchapter II of chapter 13 of title  
15          52, United States Code, the words ‘this subchapter’ are deemed to refer also  
16          to title II of this Act:

17          “(1) REFERENCE IN SECTION 1314 OF TITLE 52.—Section 1314(d)  
18          of title 52, United States Code.

19          “(2) REFERENCES IN SECTION 1329 OF TITLE 52.—Section  
20          1329(a)(1), (2)(C), and (d) of title 52, United States Code.”.

21

22          (2) TABLE OF CONTENTS.—Section 1(b) of the Help America Vote  
23          Act of 2002 (Public Law 107–252, 116 Stat. 1666) is amended by  
24          adding, immediately following the item related to section 1:

“Sec. 2. Conformity with title 52, United States Code.”.

25

26          (b) TRANSFER OF PROVISIONS FROM TITLE 3, UNITED STATES CODE.—

27          (1) TITLE ANALYSIS.—In the analysis for title 3, United States  
28          Code, the item related to chapter 1 is amended to read as follows:

**“1. Vacancy in Offices of Both President and Vice President ..... 1”.**

29

30          (2) CHAPTER 1 HEADING AND ANALYSIS.—The heading and analysis  
31          for chapter 1 of title 3, United States Code, are amended to read as  
32          follows:

33                   **“CHAPTER 1—VACANCY IN OFFICES OF BOTH**  
34                   **PRESIDENT AND VICE PRESIDENT**

“Sec.

“1. Vacancy in offices of both President and Vice President; officers eligible to act.

“2. Resignation or refusal of office.”.

35

36          (3) RENUMBERING AND TRANSFER OF SECTIONS.—

1 (A) SECTION 1 OF TITLE 3.—Section 1 of title 3, United States  
2 Code, is renumbered as section 1502 and transferred to appear  
3 immediately following the chapter analysis for chapter 15 of title  
4 52, United States Code, as enacted by section 3 of this Act.

5 (B) SECTION 2 OF TITLE 3.—Section 2 of title 3, United States  
6 Code, is renumbered as section 1503 and transferred to appear  
7 immediately following section 1502 as renumbered and transferred  
8 by the preceding subparagraph.

9 (C) SECTION 3 OF TITLE 3.—Section 3 of title 3, United States  
10 Code, is renumbered as section 1504 and transferred to appear  
11 immediately following section 1503 as renumbered and transferred  
12 by the preceding subparagraph.

13 (D) SECTION 4 OF TITLE 3.—Section 4 of title 3, United States  
14 Code, is renumbered as section 1505 and transferred to appear  
15 immediately following section 1504 as renumbered and transferred  
16 by the preceding subparagraph.

17 (E) SECTION 5 OF TITLE 3.—Section 5 of title 3, United States  
18 Code, is renumbered as section 1506 and transferred to appear  
19 immediately following section 1505 as renumbered and transferred  
20 by the preceding subparagraph.

21 (F) SECTION 6 OF TITLE 3.—Section 6 of title 3, United States  
22 Code, is renumbered as section 1507 and transferred to appear  
23 immediately following section 1506 as renumbered and transferred  
24 by the preceding subparagraph.

25 (G) SECTION 7 OF TITLE 3.—Section 7 of title 3, United States  
26 Code, is renumbered as section 1508 and transferred to appear  
27 immediately following section 1507 as renumbered and transferred  
28 by the preceding subparagraph.

29 (H) SECTION 8 OF TITLE 3.—Section 8 of title 3, United States  
30 Code, is renumbered as section 1509 and transferred to appear  
31 immediately following section 1508 as renumbered and transferred  
32 by the preceding subparagraph.

33 (I) SECTION 9 OF TITLE 3.—Section 9 of title 3, United States  
34 Code, is renumbered as section 1510 and transferred to appear  
35 immediately following section 1509 as renumbered and transferred  
36 by the preceding subparagraph.

37 (J) SECTION 10 OF TITLE 3.—Section 10 of title 3, United  
38 States Code, is renumbered as section 1511 and transferred to ap-  
39 pear immediately following section 1510 as renumbered and trans-  
40 ferred by the preceding subparagraph.

1 (K) SECTION 11 OF TITLE 3.—Section 11 of title 3, United  
2 States Code, is renumbered as section 1512 and transferred to ap-  
3 pear immediately following section 1511 as renumbered and trans-  
4 ferred by the preceding subparagraph.

5 (L) SECTION 12 OF TITLE 3.—Section 12 of title 3, United  
6 States Code, is renumbered as section 1513 and transferred to ap-  
7 pear immediately following section 1512 as renumbered and trans-  
8 ferred by the preceding subparagraph.

9 (M) SECTION 13 OF TITLE 3.—Section 13 of title 3, United  
10 States Code, is renumbered as section 1514 and transferred to ap-  
11 pear immediately following section 1513 as renumbered and trans-  
12 ferred by the preceding subparagraph.

13 (N) SECTION 14 OF TITLE 3.—Section 14 of title 3, United  
14 States Code, is renumbered as section 1515 and transferred to ap-  
15 pear immediately following section 1514 as renumbered and trans-  
16 ferred by the preceding subparagraph.

17 (O) SECTION 15 OF TITLE 3.—Section 15 of title 3, United  
18 States Code, is renumbered as section 1516 and transferred to ap-  
19 pear immediately following section 1515 as renumbered and trans-  
20 ferred by the preceding subparagraph.

21 (P) SECTION 16 OF TITLE 3.—Section 16 of title 3, United  
22 States Code, is renumbered as section 1517 and transferred to ap-  
23 pear immediately following section 1516 as renumbered and trans-  
24 ferred by the preceding subparagraph.

25 (Q) SECTION 17 OF TITLE 3.—Section 17 of title 3, United  
26 States Code, is renumbered as section 1518 and transferred to ap-  
27 pear immediately following section 1517 as renumbered and trans-  
28 ferred by the preceding subparagraph.

29 (R) SECTION 18 OF TITLE 3.—Section 18 of title 3, United  
30 States Code, is renumbered as section 1519 and transferred to ap-  
31 pear immediately following section 1518 as renumbered and trans-  
32 ferred by the preceding subparagraph.

33 (S) SECTION 19 OF TITLE 3.—Section 19 of title 3, United  
34 States Code, is renumbered as section 1 of title 3, United States  
35 Code.

36 (T) SECTION 20 OF TITLE 3.—Section 20 of title 3, United  
37 States Code, is renumbered as section 2 of title 3, United States  
38 Code.

39 (U) SECTION 21 OF TITLE 3.—Section 21 of title 3, United  
40 States Code, is renumbered as section 1501 and transferred to ap-  
41 pear immediately following the chapter analysis for chapter 15 of

1 title 52, United States Code, as enacted by section 3 of this Act  
2 (and before section 1502 as renumbered and transferred by sub-  
3 paragraph (A)).  
4

5 (4) CONFORMING OF DEFINITION PROVISION.—Section 1501 of title  
6 52, United States Code, as renumbered and transferred by paragraph  
7 (3)(U), is amended to read as follows:

8 **“§ 1501. Definitions**

9 “In this chapter:

10 “(1) EXECUTIVE OF EACH STATE.—The term ‘executive of each  
11 State’ includes the Mayor of the District of Columbia.

12 “(2) STATE.—The term ‘State’ includes the District of Columbia.”.

13

14 (5) CONFORMING AMENDMENTS.—

15 (A) SECTION 871 OF TITLE 18.—Section 871(b) of title 18,  
16 United States Code, is amended—

17 (i) by striking “title 3, United States Code, sections 1 and  
18 2” and substituting “sections 1502 and 1503 of title 52,  
19 United States Code”; and

20 (ii) by striking “title 3, United States Code, sections 19  
21 and 20” and substituting “sections 1 and 2 of title 3, United  
22 States Code”.

23 (B) SECTION 1751 OF TITLE 18.—Section 1751(f) of title 18,  
24 United States Code, is amended by striking “title 3, United States  
25 Code, sections 1 and 2” and substituting “sections 1502 and 1503  
26 of title 52, United States Code”.

27 (C) SECTION 1507 OF TITLE 52.—Section 1507 of title 52,  
28 United States Code, as renumbered and transferred by paragraph  
29 (3)(F), is amended by striking “section 7 of this title” and sub-  
30 stituting “section 1508 of this title”.

31 (D) SECTION 1513 OF TITLE 52.—Section 1513 of title 52,  
32 United States Code, as renumbered and transferred by paragraph  
33 (3)(L), is amended by striking “sections 9 and 11 of this title”  
34 and substituting “sections 1510 and 1512 of this title”.

35 (E) SECTION 1515 OF TITLE 52.—Section 1515 of title 52,  
36 United States Code, as renumbered and transferred by paragraph  
37 (3)(N), is amended by striking “section 13 of this title” and sub-  
38 stituting “section 1514 of this title”.

39 (F) SECTION 1516 OF TITLE 52.—Section 1516 of title 52,  
40 United States Code, as renumbered and transferred by paragraph  
41 (3)(O), is amended—

1 (i) by striking “section 6 of this title” and substituting  
2 “section 1507 of this title”; and

3 (ii) in two places by striking “section 5 of this title” and  
4 substituting “section 1506 of this title”.

5  
6 (c) SUNSET TERMINATION EXCEPTIONS.—Section 3003(a)(1) of the Fed-  
7 eral Reports Elimination and Sunset Act of 1995 (Public Law 104–66, 31  
8 U.S.C. 1113 note) does not apply to a report required to be submitted  
9 under any of the following provisions:

10 (1) Section 1714(a) of title 52, United States Code.

11 (2) Section 2508(a) of title 52, United States Code.

12 (3) Section 2708(a) of title 52, United States Code.

13  
14 (d) TITLE 5.—Section 7323(a)(2) of title 5, United States Code, is  
15 amended—

16 (1) in subparagraph (A), by striking “section 315(a)(4) of the Fed-  
17 eral Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))” and sub-  
18 stituting “section 1152(a)(2)(A) of title 52”; and

19 (2) in subparagraph (C), in two places, by striking “section  
20 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C.  
21 441a(a)(4))” and substituting “section 1152(a)(2)(A) of title 52”.

22  
23 (e) TITLE 10.—Section 1566 of title 10, United States Code, is amend-  
24 ed—

25 (1) in subsection (b)(1), by striking “the Uniformed and Overseas  
26 Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.)” and sub-  
27 stituting “chapter 7 of title 52”;

28 (2) in subsection (e), by striking “the Uniformed and Overseas Citi-  
29 zens Absentee Voting Act (42 U.S.C. 1973ff et seq.)” and substituting  
30 “chapter 7 of title 52”; and

31 (3) in subsection (i)(2), by striking “the Uniformed and Overseas  
32 Citizens Absentee Voting Act” and substituting “chapter 7 of title 52”.

33  
34 (f) TITLE 18.—Title 18, United States Code, is amended—

35 (1) in section 602(a)(4), by striking “section 301(8) of the Federal  
36 Election Campaign Act of 1971” and substituting “section 1101(6) of  
37 title 52”;

38 (2) in section 603(a), by striking “section 301(8) of the Federal  
39 Election Campaign Act of 1971” and substituting “section 1101(6) of  
40 title 52”;

1 (3) in section 603(b), by striking “section 302(e)(1) of the Federal  
2 Election Campaign Act of 1971” and substituting “section 1111(e)(1)  
3 of title 52”;

4 (4) in section 607(b), by striking “section 302(e) of the Federal  
5 Election Campaign Act of 1971” and substituting “section 1111(e) of  
6 title 52”;

7 (5) in section 608(a), by striking “the Uniformed and Overseas Citi-  
8 zens Absentee Voting Act” and substituting “chapter 7 of title 52”;  
9 and

10 (6) in section 608(b)—

11 (A) by striking “the Uniformed and Overseas Citizens Absentee  
12 Voting Act” and substituting “chapter 7 of title 52”; and

13 (B) by striking “such Act” and substituting “such chapter”.

14

15 (g) INTERNAL REVENUE CODE OF 1986.—The Internal Revenue Code of  
16 1986 (26 U.S.C. 1 et seq.) is amended—

17 (1) in section 527(h)(2)(A)(i), by striking “section 302(e) of the  
18 Federal Election Campaign Act of 1971 (2 U.S.C. 432(e))” and sub-  
19 stituting “section 1111(e) of title 52, United States Code”;

20 (2) in section 527(i)(6), by striking “the Federal Election Campaign  
21 Act of 1971 (2 U.S.C. 431 et seq.)” and substituting “chapter 11 of  
22 title 52, United States Code,”;

23 (3) in section 527(j)(5)(A), by striking “the Federal Election Cam-  
24 paign Act of 1971 (2 U.S.C. 431 et seq.)” and substituting “chapter  
25 11 of title 52, United States Code,”;

26 (4) in section 527(j)(5)(F), by striking “section 301 of such Act”  
27 and substituting “section 1101 of title 52, United States Code”;

28 (5) in section 6033(g)(3)(C), by striking “section 301(6) of the Fed-  
29 eral Election Campaign Act of 1971” and substituting “section 1101  
30 of title 52, United States Code”;

31 (6) in section 6033(g)(3)(D), by striking “section 301(14) of the  
32 Federal Election Campaign Act of 1971” and substituting “section  
33 1101 of title 52, United States Code”;

34 (7) in section 6033(g)(3)(F)—

35 (A) by striking “the Federal Election Campaign Act of 1971”  
36 and substituting “chapter 11 of title 52, United States Code,”;  
37 and

38 (B) by striking “section 301(4) of such Act” and substituting  
39 “section 1101 of title 52, United States Code”; and

40 (8) in section 6096(a), by striking “section 9006(a)” and sub-  
41 stituting “section 2505(a) of title 52, United States Code”.

1  
2 (h) TITLE 28.—Section 1869(c) of title 28, United States Code, is  
3 amended by striking “the Voting Rights Act of 1965” and substituting  
4 “chapter 3 of title 52”.

5  
6 (i) TITLE 36.—Title 36, United States Code, is amended—

7 (1) in section 510(e), by striking “section 319(b) of the Federal  
8 Election Campaign Act of 1971 (2 U.S.C. 441e(b))” and substituting  
9 “section 1157(a) of title 52”; and

10 (2) in section 152612 by inserting the words “Election Assistance”  
11 before “Commission”.

12  
13 (j) TITLE 39.—Title 39, United States Code, is amended—

14 (1) in the table of contents for chapter 34 (appearing before section  
15 3401), in the item related to section 3406, by striking “the Uniformed  
16 and Overseas Citizens Absentee Voting Act” and substituting “chapter  
17 7 of title 52”;

18 (2) in section 3406—

19 (A) in the section heading, by striking “the Uniformed and  
20 Overseas Citizens Absentee Voting Act” and substituting “chapter  
21 7 of title 52”;

22 (B) in subsection (a), in the matter before paragraph (1), by  
23 striking “the Uniformed and Overseas Citizens Absentee Voting  
24 Act” and substituting “chapter 7 of title 52”; and

25 (C) in subsection (b), by striking “section 107 of the Uniformed  
26 and Overseas Citizens Absentee Voting Act” and substituting  
27 “section 701 of title 52”; and

28 (3) in section 3629, by striking “the National Voter Registration Act  
29 of 1993” and substituting “chapter 9 of title 52”.

30 **SEC. 5. TRANSITIONAL AND SAVINGS PROVISIONS.**

31 (a) CUTOFF DATE.—This Act replaces certain provisions of law enacted  
32 on or before October 8, 2008. If a law enacted after that date amends or  
33 repeals a provision replaced by this Act, that law is deemed to amend or  
34 repeal, as the case may be, the corresponding provision enacted by this Act.  
35 If a law enacted after that date is otherwise inconsistent with this Act, it  
36 supersedes this Act to the extent of the inconsistency.

37 (b) ORIGINAL DATE OF ENACTMENT UNCHANGED.—For purposes of de-  
38 termining whether one provision of law supersedes another based on enact-  
39 ment later in time, the date of enactment of a provision enacted by this Act  
40 is deemed to be the date of enactment of the provision it replaced.

1 (c) REFERENCES TO PROVISIONS REPLACED.—A reference to a provision  
 2 of law replaced by this Act, including a reference in a regulation, order, or  
 3 other law, is deemed to refer to the corresponding provision enacted by this  
 4 Act.

5 (d) REGULATIONS, ORDERS, AND OTHER ADMINISTRATIVE ACTIONS.—A  
 6 regulation, order, or other administrative action in effect under a provision  
 7 of law replaced by this Act continues in effect under the corresponding pro-  
 8 vision enacted by this Act.

9 (e) ACTIONS TAKEN AND OFFENSES COMMITTED.—An action taken or  
 10 an offense committed under a provision of law replaced by this Act is  
 11 deemed to have been taken or committed under the corresponding provision  
 12 enacted by this Act.

13 **SEC. 6. REPEALS.**

14 The following provisions of law are repealed, except with respect to rights  
 15 and duties that matured, penalties that were incurred, or proceedings that  
 16 were begun before the date of enactment of this Act:

Schedule of Laws Repealed

Act	Section	United States Code
Revised Statutes .....	18 .....	2 U.S.C. 1a.
	19 .....	2 U.S.C. 1b.
	22 .....	2 U.S.C. 6.
	25 .....	2 U.S.C. 7.
	26 .....	2 U.S.C. 8.
	27 .....	2 U.S.C. 9.
	2003 .....	42 U.S.C. 1972.
	2004(a)–(e), (g) .....	42 U.S.C. 1971(a)–(e), (g).
Act of March 3, 1875 (ch. 130) .....	6 .....	2 U.S.C. 7.
Act of June 22, 1906 (ch. 3514) .....	1 (words related to method of payment “hereafter” for salary and traveling expenses, in par. beginning “Territory of Porto Rico:”, at 34 Stat. 417).	48 U.S.C. 894.
Act of August 8, 1911 (ch. 5) .....	5 .....	2 U.S.C. 5.
Act of June 4, 1914 (ch. 103) .....	1 .....	2 U.S.C. 1.
Act of March 2, 1917 (ch. 145) .....	36 (2d sentence) .....	48 U.S.C. 891.
	36 (3d, 4th sentences related to salary, allowances, and franking privilege).	48 U.S.C. 893.
	36 (5th, 6th sentences) .....	48 U.S.C. 892.
Act of June 18, 1929 (ch. 28) .....	22 .....	2 U.S.C. 2a.
Act of November 15, 1941 (ch. 470) .....	2(a) .....	2 U.S.C. 2b.
Presidential Election Campaign Fund Act (Chapter 95 of the Internal Revenue Code of 1986) .....	9001 .....	26 U.S.C. 9001.
	9002 .....	26 U.S.C. 9002.
	9003 .....	26 U.S.C. 9003.
	9004 .....	26 U.S.C. 9004.
	9005 .....	26 U.S.C. 9005.
	9006 .....	26 U.S.C. 9006.
	9007 .....	26 U.S.C. 9007.
	9008 .....	26 U.S.C. 9008.
	9009 .....	26 U.S.C. 9009.

## Schedule of Laws Repealed—Continued

Act	Section	United States Code
	9010 .....	26 U.S.C. 9010.
	9011 .....	26 U.S.C. 9011.
	9012 .....	26 U.S.C. 9012.
	9013 .....	26 U.S.C. 9013.
Presidential Primary Matching Payment Account Act (Chapter 96 of the Inter- nal Revenue Code of 1986) .....	9031 .....	26 U.S.C. 9031.
	9032 .....	26 U.S.C. 9032.
	9033 .....	26 U.S.C. 9033.
	9034 .....	26 U.S.C. 9034.
	9035 .....	26 U.S.C. 9035.
	9036 .....	26 U.S.C. 9036.
	9037 .....	26 U.S.C. 9037.
	9038 .....	26 U.S.C. 9038.
	9039 .....	26 U.S.C. 9039.
	9040 .....	26 U.S.C. 9040.
	9041 .....	26 U.S.C. 9041.
	9042 .....	26 U.S.C. 9042.
Civil Rights Act of 1960 (Public Law 86-449) .....	301 .....	42 U.S.C. 1974.
	302 .....	42 U.S.C. 1974a.
	303 .....	42 U.S.C. 1974b.
	304 .....	42 U.S.C. 1974c.
	305 .....	42 U.S.C. 1974d.
	306 .....	42 U.S.C. 1974e.
Voting Rights Act of 1965 (Public Law 89-110) .....	2 .....	42 U.S.C. 1973.
	3 .....	42 U.S.C. 1973a.
	4 .....	42 U.S.C. 1973b.
	5 .....	42 U.S.C. 1973c.
	8 .....	42 U.S.C. 1973f.
	10 .....	42 U.S.C. 1973h.
	11 .....	42 U.S.C. 1973i.
	12 .....	42 U.S.C. 1973j.
	13 .....	42 U.S.C. 1973k.
	14 .....	42 U.S.C. 1973l.
	16 .....	42 U.S.C. 1973m.
	17 .....	42 U.S.C. 1973n.
	18 .....	42 U.S.C. 1973o.
	19 .....	42 U.S.C. 1973p.
	20 .....	42 U.S.C. 1973q.
	201 .....	42 U.S.C. 1973aa.
	202 .....	42 U.S.C. 1973aa-1.
	203 .....	42 U.S.C. 1973aa-1a.
	204 .....	42 U.S.C. 1973aa-2.
	205 .....	42 U.S.C. 1973aa-3.
	206 .....	42 U.S.C. 1973aa-4.
	207 .....	42 U.S.C. 1973aa-5.
	208 .....	42 U.S.C. 1973aa-6.
	301 .....	42 U.S.C. 1973bb.
	302 .....	42 U.S.C. 1973bb-1.
Act of December 14, 1967 (Public Law 90-196) .....	(2d par. of Act, at 81 Stat. 581).	2 U.S.C. 2e.
Federal Contested Election Act (Public Law 91-138) .....	2 .....	2 U.S.C. 381.
	3 .....	2 U.S.C. 382.
	4 .....	2 U.S.C. 383.
	5 .....	2 U.S.C. 384.
	6 .....	2 U.S.C. 385.
	7 .....	2 U.S.C. 386.
	8 .....	2 U.S.C. 387.
	9 .....	2 U.S.C. 388.
	10 .....	2 U.S.C. 389.
	11 .....	2 U.S.C. 390.
	12 .....	2 U.S.C. 391.
	13 .....	2 U.S.C. 392.
	14 .....	2 U.S.C. 393.
	15 .....	2 U.S.C. 394.
	16 .....	2 U.S.C. 395.
	17 .....	2 U.S.C. 396.
District of Columbia Delegate Act (Pub- lic Law 91-405, title II) .....	202 .....	2 U.S.C. 25a.
Federal Election Campaign Act of 1971 (Public Law 92-225) .....	301 .....	2 U.S.C. 431.

## Schedule of Laws Repealed—Continued

Act	Section	United States Code
	302 .....	2 U.S.C. 432.
	303 .....	2 U.S.C. 433.
	304 .....	2 U.S.C. 434.
	305 .....	2 U.S.C. 437.
	306 .....	2 U.S.C. 437c.
	307 .....	2 U.S.C. 437d.
	308 .....	2 U.S.C. 437f.
	309 .....	2 U.S.C. 437g.
	310 .....	2 U.S.C. 437h.
	311 .....	2 U.S.C. 438.
	312 .....	2 U.S.C. 439.
	313 .....	2 U.S.C. 439a.
	314 .....	2 U.S.C. 439c.
	315 .....	2 U.S.C. 441a.
	315A .....	2 U.S.C. 441a-1.
	316 .....	2 U.S.C. 441b.
	317 .....	2 U.S.C. 441c.
	318 .....	2 U.S.C. 441d.
	319 .....	2 U.S.C. 441e.
	320 .....	2 U.S.C. 441f.
	321 .....	2 U.S.C. 441g.
	322 .....	2 U.S.C. 441h.
	323 .....	2 U.S.C. 441i.
	324 .....	2 U.S.C. 441k.
	401 .....	2 U.S.C. 451.
	402 .....	2 U.S.C. 452.
	403 .....	2 U.S.C. 453.
	404 .....	2 U.S.C. 454.
	406 .....	2 U.S.C. 455.
Act of April 10, 1972 (Public Law 92-271) .....	1 .....	48 U.S.C. 1711.
	2 .....	48 U.S.C. 1712.
	3 .....	48 U.S.C. 1713.
	4 .....	48 U.S.C. 1714.
	5 .....	48 U.S.C. 1715.
Legislative Branch Appropriation Act, 1973 (Public Law 92-342) .....	101 (last par. under heading "Administrative Provisions", at 86 Stat. 435).	2 U.S.C. 442.
Act of October 31, 1978 (Public Law 95-556) .....	1 .....	48 U.S.C. 1731.
	2 .....	48 U.S.C. 1732.
	3 .....	48 U.S.C. 1733.
	4 .....	48 U.S.C. 1734.
	5 .....	48 U.S.C. 1735.
Voting Accessibility for the Elderly and Handicapped Act (Public Law 98-435) .....	3 .....	42 U.S.C. 1973ee-1.
	4 .....	42 U.S.C. 1973ee-2.
	5 .....	42 U.S.C. 1973ee-3.
	6 .....	42 U.S.C. 1973ee-4.
	7 .....	42 U.S.C. 1973ee-5.
	8 .....	42 U.S.C. 1973ee-6.
Uniformed and Overseas Citizens Absentee Voting Act (Public Law 99-410) ..	101 .....	42 U.S.C. 1973ff.
	102 .....	42 U.S.C. 1973ff-1.
	103 .....	42 U.S.C. 1973ff-2.
	104 .....	42 U.S.C. 1973ff-3.
	105 .....	42 U.S.C. 1973ff-4.
	106 .....	42 U.S.C. 1973ff-5.
	107 .....	42 U.S.C. 1973ff-6.
National Voter Registration Act of 1993 (Public Law 103-31) .....	3 .....	42 U.S.C. 1973gg-1.
	4 .....	42 U.S.C. 1973gg-2.
	5 .....	42 U.S.C. 1973gg-3.
	6 .....	42 U.S.C. 1973gg-4.
	7 .....	42 U.S.C. 1973gg-5.
	8 .....	42 U.S.C. 1973gg-6.
	9 .....	42 U.S.C. 1973gg-7.
	10 .....	42 U.S.C. 1973gg-8.
	11 .....	42 U.S.C. 1973gg-9.
	12 .....	42 U.S.C. 1973gg-10.
Bipartisan Campaign Reform Act of 2002 (Public Law 107-155) .....	502 .....	2 U.S.C. 438a.

## Schedule of Laws Repealed—Continued

Act	Section	United States Code
Help America Vote Act of 2002 (Public Law 107-252) .....	201 .....	42 U.S.C. 15321.
	202 .....	42 U.S.C. 15322.
	203 .....	42 U.S.C. 15323.
	204 .....	42 U.S.C. 15324.
	205 .....	42 U.S.C. 15325.
	206 .....	42 U.S.C. 15326.
	207 .....	42 U.S.C. 15327.
	208 .....	42 U.S.C. 15328.
	209 .....	42 U.S.C. 15329.
	210 .....	42 U.S.C. 15330.
	211 .....	42 U.S.C. 15341.
	212 .....	42 U.S.C. 15342.
	213 .....	42 U.S.C. 15343.
	214 .....	42 U.S.C. 15344.
	215 .....	42 U.S.C. 15345.
	216 .....	42 U.S.C. 15346.
	221 .....	42 U.S.C. 15361.
	222 .....	42 U.S.C. 15362.
	231 .....	42 U.S.C. 15371.
	241 .....	42 U.S.C. 15381.
	247 .....	42 U.S.C. 15387.
	251 .....	42 U.S.C. 15401.
	252 .....	42 U.S.C. 15402.
	253 .....	42 U.S.C. 15403.
	254 .....	42 U.S.C. 15404.
	255 .....	42 U.S.C. 15405.
	256 .....	42 U.S.C. 15406.
	258 .....	42 U.S.C. 15408.
	261 .....	42 U.S.C. 15421.
	262 .....	42 U.S.C. 15422.
	263 .....	42 U.S.C. 15423.
	265 .....	42 U.S.C. 15425.
	271 .....	42 U.S.C. 15441.
	272 .....	42 U.S.C. 15442.
	281 .....	42 U.S.C. 15451.
	282 .....	42 U.S.C. 15452.
	291 .....	42 U.S.C. 15461.
	292 .....	42 U.S.C. 15462.
	295 .....	42 U.S.C. 15471.
	296 .....	42 U.S.C. 15472.
	301 .....	42 U.S.C. 15481.
	302 .....	42 U.S.C. 15482.
	303 .....	42 U.S.C. 15483.
	304 .....	42 U.S.C. 15484.
	305 .....	42 U.S.C. 15485.
	311 .....	42 U.S.C. 15501.
	312 .....	42 U.S.C. 15502.
	401 .....	42 U.S.C. 15511.
	402 .....	42 U.S.C. 15512.
	501 .....	42 U.S.C. 15521.
	502 .....	42 U.S.C. 15522.
	503 .....	42 U.S.C. 15523.
	703(b) .....	42 U.S.C. 1973ff-1 note.
	801(a) .....	42 U.S.C. 15531.
	802(a) .....	42 U.S.C. 15532.
	803 .....	42 U.S.C. 15533.
	804 .....	42 U.S.C. 15534.
	901 .....	42 U.S.C. 15541.
	902 .....	42 U.S.C. 15542.
	905 .....	42 U.S.C. 15544.
906 .....	42 U.S.C. 15545.	
Continuing Appropriations Resolution, 2007 (Public Law 109-289, div. B), as added Revised Continuing Appropriations Resolution, 2007 (Public Law 110-5) .....	21078 .....	2 U.S.C. 457.
Consolidated Natural Resources Act of 2008 (Public Law 110-229) .....	711 .....	48 U.S.C. 1751.
	712 .....	48 U.S.C. 1752.
	713 .....	48 U.S.C. 1753.
	714 .....	48 U.S.C. 1754.
	715 .....	48 U.S.C. 1755.
	716 .....	48 U.S.C. 1756.
	717 .....	48 U.S.C. 1757.