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PUBLIC LAW 107-252—OCT. 29, 2002

HELP AMERICA VOTE ACT OF 2002

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ASSEMBLY ELECTIONS, PROCEDURES & ETHICS
DATE: 2-11-03 ROOM: 3138 EXHIBIT E
SUBMITTED BY: Dean Heller

E1 of 4

Public Law 107-252
107th Congress

An Act

Oct. 29, 2002
[H.R. 3295]

Help America
Vote Act of 2002.

42 USC 15301
note.

To establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Help America Vote Act of 2002”.

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

Sec. 1. Short title; table of contents.

TITLE I—PAYMENTS TO STATES FOR ELECTION ADMINISTRATION IMPROVEMENTS AND REPLACEMENT OF PUNCH CARD AND LEVER VOTING MACHINES

- Sec. 101. Payments to States for activities to improve administration of elections.
- Sec. 102. Replacement of punch card or lever voting machines.
- Sec. 103. Guaranteed minimum payment amount.
- Sec. 104. Authorization of appropriations.
- Sec. 105. Administration of programs.
- Sec. 106. Effective date.

TITLE II—COMMISSION

Subtitle A—Establishment and General Organization

PART 1—ELECTION ASSISTANCE COMMISSION

- Sec. 201. Establishment.
- Sec. 202. Duties.
- Sec. 203. Membership and appointment.
- Sec. 204. Staff.
- Sec. 205. Powers.
- Sec. 206. Dissemination of information.
- Sec. 207. Annual report.
- Sec. 208. Requiring majority approval for actions.
- Sec. 209. Limitation on rulemaking authority.
- Sec. 210. Authorization of appropriations.

PART 2—ELECTION ASSISTANCE COMMISSION STANDARDS BOARD AND BOARD OF ADVISORS

- Sec. 211. Establishment.
- Sec. 212. Duties.
- Sec. 213. Membership of Standards Board.
- Sec. 214. Membership of Board of Advisors.
- Sec. 215. Powers of Boards; no compensation for service.
- Sec. 216. Status of Boards and members for purposes of claims against Board.

PART 3—TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE

- Sec. 221. Technical Guidelines Development Committee.
- Sec. 222. Process for adoption.

Subtitle B—Testing, Certification, Decertification, and Recertification of Voting System Hardware and Software

- Sec. 231. Certification and testing of voting systems.

Subtitle C—Studies and Other Activities To Promote Effective Administration of Federal Elections

- Sec. 241. Periodic studies of election administration issues.
- Sec. 242. Study, report, and recommendations on best practices for facilitating military and overseas voting.
- Sec. 243. Report on human factor research.
- Sec. 244. Study and report on voters who register by mail and use of social security information.
- Sec. 245. Study and report on electronic voting and the electoral process.
- Sec. 246. Study and report on free absentee ballot postage.
- Sec. 247. Consultation with Standards Board and Board of Advisors.

Subtitle D—Election Assistance

PART 1—REQUIREMENTS PAYMENTS

- Sec. 251. Requirements payments.
- Sec. 252. Allocation of funds.
- Sec. 253. Condition for receipt of funds.
- Sec. 254. State plan.
- Sec. 255. Process for development and filing of plan; publication by Commission.
- Sec. 256. Requirement for public notice and comment.
- Sec. 257. Authorization of appropriations.
- Sec. 258. Reports.

PART 2—PAYMENTS TO STATES AND UNITS OF LOCAL GOVERNMENT TO ASSURE ACCESS FOR INDIVIDUALS WITH DISABILITIES

- Sec. 261. Payments to States and units of local government to assure access for individuals with disabilities.
- Sec. 262. Amount of payment.
- Sec. 263. Requirements for eligibility.
- Sec. 264. Authorization of appropriations.
- Sec. 265. Reports.

PART 3—GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS

- Sec. 271. Grants for research on voting technology improvements.
- Sec. 272. Report.
- Sec. 273. Authorization of appropriations.

PART 4—PILOT PROGRAM FOR TESTING OF EQUIPMENT AND TECHNOLOGY

- Sec. 281. Pilot program.
- Sec. 282. Report.
- Sec. 283. Authorization of appropriations.

PART 5—PROTECTION AND ADVOCACY SYSTEMS

- Sec. 291. Payments for protection and advocacy systems.
- Sec. 292. Authorization of appropriations.

PART 6—NATIONAL STUDENT AND PARENT MOCK ELECTION

- Sec. 295. National Student and Parent Mock Election.
- Sec. 296. Authorization of appropriations.

TITLE III—UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS

Subtitle A—Requirements

- Sec. 301. Voting systems standards.
- Sec. 302. Provisional voting and voting information requirements.
- Sec. 303. Computerized statewide voter registration list requirements and requirements for voters who register by mail.
- Sec. 304. Minimum requirements.

Sec. 305. Methods of implementation left to discretion of State.

Subtitle B—Voluntary Guidance

Sec. 311. Adoption of voluntary guidance by Commission.

Sec. 312. Process for adoption.

TITLE IV—ENFORCEMENT

Sec. 401. Actions by the Attorney General for declaratory and injunctive relief.

Sec. 402. Establishment of State-based administrative complaint procedures to remedy grievances.

TITLE V—HELP AMERICA VOTE COLLEGE PROGRAM

Sec. 501. Establishment of program.

Sec. 502. Activities under program.

Sec. 503. Authorization of appropriations.

TITLE VI—HELP AMERICA VOTE FOUNDATION

Sec. 601. Help America Vote Foundation.

TITLE VII—VOTING RIGHTS OF MILITARY MEMBERS AND OVERSEAS CITIZENS

Sec. 701. Voting assistance programs.

Sec. 702. Designation of single State office to provide information on registration and absentee ballots for all voters in State.

Sec. 703. Report on absentee ballots transmitted and received after general elections.

Sec. 704. Extension of period covered by single absentee ballot application.

Sec. 705. Additional duties of Presidential designee under Uniformed and Overseas Citizens Absentee Voting Act.

Sec. 706. Prohibition of refusal of voter registration and absentee ballot applications on grounds of early submission.

Sec. 707. Other requirements to promote participation of overseas and absent uniformed services voters.

TITLE VIII—TRANSITION PROVISIONS

Subtitle A—Transfer to Commission of Functions Under Certain Laws

Sec. 801. Federal Election Campaign Act of 1971.

Sec. 802. National Voter Registration Act of 1993.

Sec. 803. Transfer of property, records, and personnel.

Sec. 804. Effective date; transition.

Subtitle B—Coverage of Commission Under Certain Laws and Programs

Sec. 811. Treatment of Commission personnel under certain civil service laws.

Sec. 812. Coverage under Inspector General Act of 1978.

TITLE IX—MISCELLANEOUS PROVISIONS

Sec. 901. State defined.

Sec. 902. Audits and repayment of funds.

Sec. 903. Clarification of ability of election officials to remove registrants from official list of voters on grounds of change of residence.

Sec. 904. Review and report on adequacy of existing electoral fraud statutes and penalties.

Sec. 905. Other criminal penalties.

Sec. 906. No effect on other laws.

TITLE I—PAYMENTS TO STATES FOR ELECTION ADMINISTRATION IM- PROVEMENTS AND REPLACEMENT OF PUNCH CARD AND LEVER VOTING MA- CHINES

42 USC 15301.

SEC. 101. PAYMENTS TO STATES FOR ACTIVITIES TO IMPROVE ADMINISTRATION OF ELECTIONS.

Deadlines.
Notification.

(a) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Administrator of General Services