

111TH CONGRESS
1ST SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

Mr. CONYERS (for himself and Mr. SMITH of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

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-

1 tions, in accordance with section 205(c)(1) of House Resolution No. 988,
 2 93d Congress, as enacted into law by Public Law 93-554 (2 U.S.C.
 3 285b(1)).

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

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

7 **TITLE 52—VOTING AND ELECTIONS**

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8 **CHAPTER 1—ELECTIVE FRANCHISE**

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

9 **§ 101. Voting rights**

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

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

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

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

26 (3) QUALIFICATION.—No person acting under color of law shall—
 27 (A) in determining whether any individual is qualified under
 28 State law or laws to vote in any election, apply any standard,

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

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

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

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

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

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

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

39 (c) PREVENTIVE RELIEF.—

40 (1) IN GENERAL.—Whenever any person has engaged, or there are
 41 reasonable grounds to believe that any person is about to engage, in

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

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

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

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

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

32 (e) PATTERN OR PRACTICE OF DISCRIMINATION.—

33 (1) DEFINITIONS.—In this subsection:

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

39 (B) QUALIFIED UNDER STATE LAW.—The term “qualified
 40 under State law” means qualified according to the laws, customs,
 41 or usages of the State, and does not, in any event, imply qualifica-

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

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

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

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

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

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

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

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

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

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

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

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

11 (7) VOTING REFEREES.—

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

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

20 (ii) since the finding by the court pursuant to paragraph
 21 (2), an applicant has been—

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

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

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

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

36 or

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

39 (8) COURT ORDER IN ACCORDANCE WITH REPORT.—Upon receipt of
 40 the report pursuant to paragraph (7), the court shall cause the Attor-
 41 ney General to transmit a copy of the report to the State attorney gen-

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

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

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

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

1 other person as it may designate to take any other action, appropriate
 2 or necessary to carry out this subsection and to enforce its decrees.
 3 This subsection shall in no way be construed as a limitation upon the
 4 existing powers of the court.

5 (f) PROCEDURE.—

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

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

1 the duty of the judge designated pursuant to this paragraph to assign
 2 the case for hearing at the earliest practicable date and to cause the
 3 case to be in every way expedited.

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

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

10 **CHAPTER 3—VOTING RIGHTS**

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11 **SUBCHAPTER I—DEFINITIONS**

12 **§ 301. Definitions**

13 In this chapter:

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

18 (2) POLITICAL SUBDIVISION.—The term “political subdivision”
 19 means any county or parish, except that where registration for voting
 20 is not conducted under the supervision of a county or parish, the term

1 shall include any other subdivision of a State which conducts registra-
2 tion for voting.

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

10 SUBCHAPTER II—ENFORCEMENT OF VOTING RIGHTS

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

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

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

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

30 (a) AUTHORIZATION BY COURT FOR APPOINTMENT OF FEDERAL OB-
31 SERVERS.—

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

3 (B) the procurement, casting, or tabulation of ballots that are
4 known by the person to be materially false, fictitious, or fraudu-
5 lent under the laws of the State in which the election is held,
6 shall be fined in accordance with title 18 (which fines shall be paid into the
7 general fund of the Treasury, miscellaneous receipts (pursuant to section
8 3302 of title 31), notwithstanding any other law), imprisoned not more than
9 5 years, or both.

10 **CHAPTER 11—FEDERAL ELECTION CAMPAIGNS**

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11 SUBCHAPTER I—DEFINITIONS

12 **§ 1101. Definitions**

13 In this chapter:

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, 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 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.
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25 (D) ENFORCEMENT.—For provisions providing for the enforcement of the reporting requirements under this paragraph, see section 1134 of this title.
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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
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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.
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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
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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) FINDINGS AND IMPOSITION OF PENALTIES.—Notwith-
15 standing subparagraph (A), in the case of a violation of any
16 requirement of section 1121(a) of this title, the Commission
17 may—

18 (I) find that a person committed such a violation on
19 the basis of information obtained pursuant to the proce-
20 dures described in paragraphs (1) and (2); and

21 (II) based on such finding, require the person to pay
22 a civil money penalty in an amount determined under a
23 schedule of penalties which is established and published
24 by the Commission and which takes into account the
25 amount of the violation involved, the existence of pre-
26 vious violations by the person, and such other factors as
27 the Commission considers appropriate.

28 (ii) NOTICE AND OPPORTUNITY TO BE HEARD.—The Com-
29 mission may not make any determination adverse to a person
30 under clause (i) until the person has been given written notice
31 and an opportunity to be heard before the Commission.

32 (iii) REVIEW.—Any person against whom an adverse deter-
33 mination is made under this subparagraph may obtain a re-
34 view of such determination in the district court of the United
35 States for the district in which the person resides, or trans-
36 acts business, by filing in such court (prior to the expiration
37 of the 30-day period which begins on the date the person re-
38 ceives notification of the determination) a written petition re-
39 questing that the determination be modified or set aside.

40 (iv) APPLICABILITY.—This subparagraph shall apply with
41 respect to violations that relate to reporting periods that

1 begin on or after January 1, 2000, and that end on or before
2 December 31, 2013.

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**

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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-

ommendation with respect to each vacancy on the Commission affiliated with the political party of the Member of Congress involved.

(3) QUALIFICATIONS.—Each member of the Commission shall have experience with or expertise in election administration or the study of elections.

(b) TERM OF SERVICE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), members shall serve for a term of 4 years and may be reappointed for not more than one additional term.

(2) TERMS OF INITIAL APPOINTEES.—As designated by the President at the time of nomination, of the members first appointed—

(A) 2 of the members (not more than one of whom may be affiliated with the same political party) shall be appointed for a term of 2 years; and

(B) 2 of the members (not more than one of whom may be affiliated with the same political party) shall be appointed for a term of 4 years.

(3) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Commission shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

(B) EXPIRED TERMS.—A member of the Commission shall serve on the Commission after the expiration of the member's term until the successor of such member has taken office as a member of the Commission.

(C) UNEXPIRED TERMS.—An individual appointed to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(c) CHAIR AND VICE CHAIR.—

(1) IN GENERAL.—The Commission shall select a chair and vice chair from among its members for a term of one year, except that the chair and vice chair may not be affiliated with the same political party.

(2) NUMBER OF TERMS.—A member of the Commission may serve as the chair and vice chair for only one term each during the term of office to which such member is appointed.

(d) COMPENSATION.—

(1) IN GENERAL.—Each member of the Commission shall be compensated at the annual rate of basic pay prescribed for level IV of the 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 vis-
 20 ually 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 erized 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 erized 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 (c) 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 resentatives 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.

1 **§ 1905. Default of contestee**

2 The failure of contestee to answer the notice of contest or to otherwise
3 defend as provided by this chapter shall not be deemed an admission of the
4 truth of the averments in the notice of contest. Notwithstanding such fail-
5 ure, the burden is upon contestant to prove that the election results entitle
6 the contestant to contestee's seat.

7 **§ 1906. Deposition**

8 (a) ORAL EXAMINATION.—Either party may take the testimony of any
9 person, including the opposing party, by deposition upon oral examination
10 for the purpose of discovery or for use as evidence in the contested election
11 case, or for both purposes. Depositions shall be taken only within the time
12 for the taking of testimony prescribed in this section.

13 (b) SCOPE OF EXAMINATION.—Witnesses may be examined regarding any
14 matter, not privileged, which is relevant to the subject matter involved in
15 the pending contested election case, whether it relates to the claim or de-
16 fense of the examining party or the claim or defense of the opposing party,
17 including the existence, description, nature, custody, condition and location
18 of any books, papers, documents, or other tangible things and the identity
19 and location of persons having knowledge of relevant facts. After the exam-
20 ining party has examined the witness the opposing party may cross examine.

21 (c) ORDER AND TIME OF TAKING TESTIMONY.—The order in which the
22 parties may take testimony shall be as follows:

23 (1) CONTESTANT.—Contestant may take testimony within 30 days
24 after service of the answer, or, if no answer is served within the time
25 provided in section 1903 of this title, within 30 days after the time for
26 answer has expired.

27 (2) CONTESTEE.—Contestee may take testimony within 30 days
28 after contestant's time for taking testimony has expired.

29 (3) CONTESTANT REBUTTAL.—If contestee has taken any testimony
30 or has filed testimonial affidavits or stipulations under section 1907(c)
31 of this title, contestant may take rebuttal testimony within 10 days
32 after contestee's time for taking testimony has expired.

33 (d) OFFICER BEFORE WHOM TESTIMONY MAY BE TAKEN.—Testimony
34 shall be taken before an officer authorized to administer oaths by the laws
35 of the United States or of the place where the examination is held.

36 (e) SUBPOENA.—Attendance of witnesses may be compelled by subpoena
37 as provided in section 1908 of this title.

38 (f) TAKING OF TESTIMONY BY PARTY OR PARTY'S AGENT.—At the tak-
39 ing of testimony, a party may appear and act in person, or by the party's
40 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 eluded 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.

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- 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.

(2) FORFEITURE OF OFFICE.—An individual shall forfeit the office of Delegate upon failure to maintain the qualifications required by this subsection.

SUBCHAPTER III—DELEGATE FROM GUAM AND VIRGIN ISLANDS

§ 2321. Definition of Delegate

In this subchapter, the term “Delegate” means the Delegate to the House of Representatives from Guam and the Delegate to the House of Representatives from the Virgin Islands, as appropriate, provided for in this subchapter.

§ 2322. Delegate to House of Representatives from Guam and Virgin Islands

The territory of Guam and the territory of the Virgin Islands each shall be represented in the United States Congress by a nonvoting Delegate to the House of Representatives, elected as provided in this subchapter.

§ 2323. Election of delegates

(a) ELECTION.—The Delegate shall be elected by the people qualified to vote for the members of the legislature of the territory the Delegate is to represent at the general election each even numbered year. The Delegate from the Virgin Islands shall be elected at large, by separate ballot and by a majority of the votes cast for the office of Delegate. The Delegate from Guam shall be elected at large and by a majority of the votes cast for the office of Delegate. If no candidate receives such majority, on the 14th day following such election a runoff election shall be held between the candidates receiving the highest and the second highest number of votes cast for the office of Delegate.

(b) VACANCY.—In case of a permanent vacancy in the office of Delegate, by reason of death, resignation, or permanent disability, the office of Delegate shall remain vacant until a successor shall have been elected and qualified.

(c) COMMENCEMENT OF TERM.—The term of the Delegate shall commence on the third day of January following the date of the election.

§ 2324. Qualifications for Office of Delegate

To be eligible for the Office of Delegate a candidate must—

- (1) be at least 25 years of age on the date of the election;
- (2) have been a citizen of the United States for at least 7 years prior to the date of the election;
- (3) be an inhabitant of the territory from which the candidate is elected; and
- (4) not be, on the date of the election, a candidate for any other office.

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.

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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 section 1501 as renumbered and transferred
4 by subparagraph (U).

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) DEFINITIONS.—In this section:

32 (1) SOURCE PROVISION.—The term “source provision” means a pro-
33 vision of law that is replaced by a title 52 provision.

34 (2) TITLE 52 PROVISION.—The term “title 52 provision” means a
35 provision of title 52, United States Code, that is enacted by section 3.

36 (b) CUTOFF DATE.—The title 52 provisions replace certain provisions of
37 law enacted on or before February 11, 2009. If a law enacted after that
38 date amends or repeals a source provision, that law is deemed to amend or
39 repeal, as the case may be, the corresponding title 52 provision. If a law
40 enacted after that date is otherwise inconsistent with a title 52 provision

1 or a provision of this Act, that law supersedes the title 52 provision or pro-
 2 vision of this Act to the extent of the inconsistency.

3 (c) ORIGINAL DATE OF ENACTMENT UNCHANGED.—For purposes of de-
 4 termining whether one provision of law supersedes another based on enact-
 5 ment later in time, a title 52 provision is deemed to have been enacted on
 6 the date of enactment of the corresponding source provision.

7 (d) REFERENCES TO TITLE 52 PROVISIONS.—A reference to a title 52
 8 provision is deemed to refer to the corresponding source provision.

9 (e) REFERENCES TO SOURCE PROVISIONS.—A reference to a source pro-
 10 vision, including a reference in a regulation, order, or other law, is deemed
 11 to refer to the corresponding title 52 provision.

12 (f) REGULATIONS, ORDERS, AND OTHER ADMINISTRATIVE ACTIONS.—A
 13 regulation, order, or other administrative action in effect under a source
 14 provision continues in effect under the corresponding title 52 provision.

15 (g) ACTIONS TAKEN AND OFFENSES COMMITTED.—An action taken or
 16 an offense committed under a source provision is deemed to have been taken
 17 or committed under the corresponding title 52 provision.

18
 19

20 **SEC. 6. REPEALS.**

21 The following provisions of law are repealed, except with respect to rights
 22 and duties that matured, penalties that were incurred, or proceedings that
 23 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.

Schedule of Laws Repealed—Continued

Act	Section	United States Code
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.
	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 Internal 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. 2c.
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.

Schedule of Laws Repealed—Continued

Act	Section	United States Code
	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 (Public 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.
	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. 437e.
	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.

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Act	Section	United States Code
	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.
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 Approp- riations 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.

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Act	Section	United States Code
	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.