The Voter Empowerment Act
Section-By-Section

TITLE I—VOTER REGISTRATION MODERNIZATION

Subtitle A—Promoting Internet Registration

SEC. 101. REQUIRING AVAILABILITY OF INTERNET FOR VOTER REGISTRATION.

- Amends the NVRA to require the availability of online application, assistance, completion, submission, and receipt of voter registration applications.
- Allows online signature through use of state agency databases, submitting a supplemental paper copy, or other state-established means.
- Permits individuals to submit an application using postage-free mail.
- Requires that services be provided in a nonpartisan manner.
- Requires the protection of all information provided online.
- Allows states to use a telephone-based system that provides the same services as are available online.
- Requires that voters registered online be treated the same as those registered by mail.

SEC. 102. USE OF INTERNET TO UPDATE REGISTRATION INFORMATION.

- Allows registered voters to update their registration information online.
- Mandates that States implement necessary security measures to prevent unauthorized changes to voters' registration information.
- Requires State to send receipt of registration update.

SEC. 103. PROVISION OF ELECTION INFORMATION BY ELECTRONIC MAIL TO INDIVIDUALS REGISTERED TO VOTE.

- Adds a space to voter registration form for applicant to provide email address
- Restricts the use of voter's email address to official election purposes only
- Requires that voters who provide an email address be sent an email not later than 7 days before an election including the name and address of the polling pace, the hours of operation, and a description of any identification required

SEC 104. CLARIFICATION OF REQUIREMENT REGARDING NECESSARY INFORMATION TO SHOW ELIGIBILITY.

- State shall consider an applicant to have provided a valid voter registration form if the applicant accurately completes the application and attestation and, in the case of online registration, the applicant provides a signature.

SEC. 105. EFFECTIVE DATE.

- Subtitle takes effect on January 1, 2014.

Subtitle B—Automatic Registration of Certain Individuals

SEC. 111. AUTOMATIC VOTER REGISTRATION.

- Mandates that all NVRA voter registration agencies send the name, date of birth, residential address, mailing address, electronic signature and the date of the last change to the information to the chief election officer of each person that has received services, appears eligible to vote, and has not declined to register to vote.
- Requires this list be sent daily.
- If a person on the list is not currently registered, the chief election officer verifies eligibility, registers the person to vote, and notifies the person of their registration.

- Information gathered by source agencies may not be stored at the source agency after transfer to the chief State election official.
- If information on the list is not consistent with a voter's registration, the information will be updated after a determination of the voter's correct information is made.
- Voters are notified of updated information.
- All information must be kept confidential.

SEC 112. LIST MAINTENANCE, PRIVACY, AND SECURITY.

- Standards must be developed for comparison of statewide voter lists and relevant data provided by source agencies, standard for determining ineligibility, standard to prevent unauthorized access of information and protection of the source information.
- Provides a defense for ineligible individuals who are inadvertently registered to vote.

SEC. 113. PROMOTING ACCURACY OF STATEWIDE VOTER REGISTRATION LISTS.

- Any change of address provided to a state motor vehicle authority or other voter registration agency is sent to chief election officer within 24 hours.
- A voter will be notified of any revision that is made, and State may notify voter by email.
- Mandates that states adopt privacy and security policies.

SEC. 114. DEFINITIONS.

SEC. 115. EFFECTIVE DATE.

- This subtitle takes effect in the general election for federal office in November 2014 and for each succeeding federal election.

Subtitle C-Other Initiatives to Promote Voter Registration

SEC. 121. SAME DAY REGISTRATION.

- Mandates that each state permit an individual to register to vote on the day of a federal election and allows already registered voters to update or correct information.

SEC.122. ACCEPTANCE OF VOTER REGISTRATION APPLICATIONS FROM INDIVIDUALS UNDER 18 YEARS OF AGE.

- States must accept voter registration forms from 16 and 17 year olds.
- Does not change the 18 year old requirement for voting.

SEC. 123. ANNUAL REPORTS ON VOTER REGISTRATION STATISTICS.

- Mandates that states submit to the Election Assistance Commission (EAC) statistics regarding -
    - transfers from registration agencies;
    - registrations from motor vehicle and other authorities (broken down by category);
    - number of registrations accepted and declined, number of change of address forms;
    - number of registered voters on statewide list whose information was revised as a result of transfers from agencies; and
    - number of voters whose information changed by request.

Subtitle D—Availability of HAVA Requirements Payments

SEC. 131. AVAILABILITY OF REQUIREMENTS PAYMENTS UNDER HAVA TO COVER COSTS OF COMPLIANCE WITH NEW REQUIREMENTS.

Subtitle E—Prohibiting Interference With Voter Registration

SEC. 141. PROHIBITING HINDERING, INTERFERING WITH, OR PREVENTING VOTER REGISTRATION.

- Makes it unlawful to hinder, interfere, or prevent another person from either registering to vote or from aiding another person in registering to vote.

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SEC. 142. ESTABLISHMENT OF BEST PRACTICES.

- Requires the EAC to develop and publish best practice recommendations for States to educate voters, poll workers, and election officials about illegal interference with the registration and voting process.

TITLE II—ACCESS TO VOTING FOR INDIVIDUALS WITH DISABILITIES

SEC. 201. REQUIREMENTS FOR STATES TO PROMOTE ACCESS TO VOTER REGISTRATION AND VOTING FOR INDIVIDUALS WITH DISABILITIES.

- Mandates the availability for absentee ballots for individuals with disabilities.
- Allows for individuals with disabilities to request and receive, by mail or electronically, registration forms and absentee ballots.
- Provide absentee ballots no later than 45 days prior to an election, when the request has been received at least 45 days prior to an election.
- Mandates a single state office responsible for providing information to individuals with disabilities.
- Requires states to provide means of electronic communication of information related to registration, voting, etc.
- Includes hardship exemption for states incapable of providing electronic transmissions, which must be approved by the Attorney General.

SEC. 202. PILOT PROGRAMS FOR ENABLING INDIVIDUALS WITH DISABILITIES TO REGISTER TO VOTE AND VOTE PRIVATELY AND INDEPENDENTLY AT RESIDENCES.

- EAC shall provide funds for states conducting pilot programs to enable individuals with disabilities to use electronic means and telephones to cast ballots.
- States receiving grants submit reports.
- $30,000,000 appropriated, available for 2014 election programs.

SEC. 203. EXPANSION AND REAUTHORIZATION OF GRANT PROGRAM TO ASSURE VOTING ACCESS FOR INDIVIDUALS WITH DISABILITIES.

- Provides grants for making absentee voting and voting at home accessible, making polling places accessible.

TITLE III—PROHIBITING VOTER CAGING

SEC. 301. VOTER CAGING AND OTHER QUESTIONABLE CHALLENGES PROHIBITED.

- Prohibits the use of nonforwardable document returned to sender, not-returned document, or unverified list of ineligible individuals, as a basis for preventing an individual from registering or voting in any election.
- Prohibits challenges to an individual's eligibility to vote by any person other than an election official unless it is documented and subject to an oath of good faith factual basis.
- Provides penalties for knowingly causing eligible voter to be challenged.

SEC. 302. DEVELOPMENT AND ADOPTION OF BEST PRACTICES FOR PREVENTING VOTER CAGING.

- Mandates that EAC develop best practices for avoiding voter caging, and include such practices in voter information materials.

SEC. 303. SEVERABILITY.

TITLE IV—PROHIBITING DECEPTIVE PRACTICES

SEC. 401. PROHIBITION ON DECEPTIVE PRACTICES IN FEDERAL ELECTIONS.

- Makes it unlawful to impede, hinder, discourage, or prevent another person from voting by knowingly providing false information about the time or place of voting or the qualifications for voting.

SEC. 402. MODIFICATION OF PENALTY FOR VOTER INTIMIDATION

- Amends the penalty from one year to five years.

SEC. 403. SENTENCING GUIDELINES

- Directs the United States Sentencing Commission to amend sentencing guidelines in accordance with the procedures in this Act.

SEC. 404. REPORTING VIOLATIONS; CORRECTIVE ACTION.

- Allows any person to submit a report to the Attorney General who will review it and take proper corrective action, if appropriate, including providing correct information to affected voters and refer the matter to the appropriate authorities for criminal prosecution or civil action.

TITLE V—DEMOCRACY RESTORATION

SEC. 501. RIGHTS OF CITIZENS.

- Prohibits ineligibility to vote because of conviction of criminal offense, unless person is serving felony sentence in a correctional institution at the time of an election

SEC. 502. ENFORCEMENT.

- Allow Attorney General to obtain declaratory or injunctive relief
- Provides for private right of action for individual aggrieved

SEC. 503. NOTIFICATION OF RESTORATION OF VOTING RIGHTS.

- States must notify any individual convicted that such individual has the right to vote
- For felony convictions, notification must be made when individual is serving probation or is released from custody
- For misdemeanor convictions, notification must be made at the time of conviction
- Director of the Bureau of Prisons shall notify any individual convicted under federal law

SEC. 504. DEFINITIONS.

SEC. 505. RELATION TO OTHER LAWS.

- Does not require states to have more restrictive voting rights

SEC. 506. FEDERAL PRISON FUNDS.

- No state shall receive federal funds without implementing notification of individuals' rights.

SEC. 507. EFFECTIVE DATE.

- Title applies to every federal election that occurs after the bill is signed into law.

TITLE VI—ACCURACY, INTEGRITY, AND SECURITY OF ELECTIONS

Subtitle A—Promoting Accuracy, Integrity, and Security Through Voter Verified Permanent Paper Ballot

SEC. 601. PAPER BALLOT AND MANUAL COUNTING REQUIREMENTS.

- Requires individual, durable, voter-verified, paper ballots.
- Votes must be counted by hand or optical character recognition devise.
- Provides voter an opportunity to correct ballot.
- Ballots are not preserved in any manner that makes it possible to associate a voter to the ballot.
- Paper ballot constitutes official ballot and shall be used for any recount or audit.

SEC. 602. ACCESSIBILITY AND BALLOT VERIFICATION FOR INDIVIDUALS WITH DISABILITIES.

- Requires private and independent verification of a permanent paper ballot, without having to manually handle the paper ballot.
- Director of the National Science Foundation given $5,000,000 to make grants to at least three entities to study, test, and develop accessible paper ballots for public use.

SEC. 603. ADDITIONAL VOTING SYSTEM REQUIREMENTS.

- Prohibits use of noncertified election-dedicated voting system technologies.
- Requires disclosure of technology and information regarding information to qualified persons, including government entity, party in litigation, or other person for research concerning accuracy or integrity.
- Provides requirements for non-disclosure agreements.
- Defines "election-dedicated voting system technology."
- Prohibits use of wireless communications or internet in voting systems.
- Provides security standards for voting systems, which EAC must provide.
- Requires use of durable paper for ballots and includes readability standards.
- Requires publishing of poll tapes at polling sites and online, including explanations of any discrepancies between totals posted and poll tape. Poll tapes must be archived.
- Requires posting of daily early, absentee, and provisional vote count, as well as count of rejected ballots.
- Requires admission of certified tabulation observers.
- Requires conflict of interest accreditation standards established by the EAC for voting technology certifying laboratories.
- Payments made to laboratories dependent upon proof of proper accreditation.
- Provides director of the National Science Foundation $1,500,000 grant money for research on the development of election-dedicated voting system software.

SEC. 604. AVAILABILITY OF ADDITIONAL FUNDING TO ENABLE STATES TO MEET COSTS OF REVISED REQUIREMENTS.

- Appropriates $1,000,000,000 for use of States to meet the requirements of Title III, and outlines process for States to receive funds.
- State allocation of these funds determined by sum of the number of noncompliant precincts in the state and sum of noncompliant precincts in all States.
- Allows reimbursements for costs incurred to become compliant with Title III after November 2004.

SEC. 605. EFFECTIVE DATE FOR NEW REQUIREMENTS.

- This subtitle applies to every Federal election beginning in 2018, except for certain circumstances.

Subtitle B—Requirement for Mandatory Manual Audits by Hand Count

SEC. 611. MANDATORY MANUAL AUDITS.

- Requires audits of randomly selected precincts, consisting of hand count of voter-verified paper ballots.
- No audit required for unopposed or greater than 80% winner election.
- Audits must be performed by auditors that meet standards established by Comptroller General.
- If election closer than 1 percent, 10 percent of all precincts shall be counted; between 1-2%, 5% of precincts; greater than 2%, 3%.
- States may use alternative counting that is statistically effective in ensuring the accuracy and approved by National Institute of Standards and Technology as having 95% confidence level.
- Provides process for administering audits.
- Requires publication of results.
- Prohibits certification of results until the performance of the audit.
- Allows payments to states to perform audits, $100,000,000 appropriated.
- May not apply to states with automatic recounts in effect, if number of ballots counted would be the same and precincts randomly selected.

Sec. 612. AVAILABILITY OF ENFORCEMENT UNDER HELP AMERICA VOTE ACT OF 2002.

Sec. 613. GUIDANCE ON BEST PRACTICES FOR ALTERNATIVE AUDIT MECHANISMS.

- National Institute of Standards and Technology appropriated $100,000 to establish guidance for alternative audits.

SEC. 614. CLERICAL AMENDMENT.

TITLE VII—PROVISIONAL BALLOTS

SEC. 701. REQUIREMENTS FOR COUNTING PROVISIONAL BALLOTS.

- Ballot shall be counted for statewide election, notwithstanding which polling place it was cast

TITLE VIII—EARLY VOTING AND VOTING BY MAIL

SEC. 801. EARLY VOTING AND VOTING BY MAIL.

- Requires at least 15 days, of no less than 4 uniform hours each day, of early voting near public transportation locations for all federal elections
- Requires commission to establish standards
- Allows deviation for unforeseen circumstances
- Prohibits any additional conditions or requirements to voting by mail, other than deadline and returning the ballot
- Requires signature comparison in order for absentee ballot to be accepted

TITLE IX—ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS

Sec. 901. EXTENDING GUARANTEE OF RESIDENCY FOR VOTING PURPOSES TO FAMILY MEMBERS OF ABSENT MILITARY PERSONNEL.

- Extends guarantee of residency for voting purposes to family members other than just spouses if absent due to military or naval orders.

SEC. 902. PRE-ELECTION REPORTS ON AVAILABILITY AND TRANSMISSION OF ABSENTEE BALLOTS.

- Requires report 55 days prior to election certifying that absentee ballots will be available for uniformed services voters and overseas voters by not later than 45 days prior to election
- Requires report 43 days prior to election confirming that ballots have been sent
- Not later than 90 days after election, requires report on combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters

SEC. 903. ENFORCEMENT.

- Permits Attorney General to bring civil action for declaratory or injunctive relief
- Allows civil penalty up to $110,000 for first and up to $220,000 for each subsequent violation
- Attorney General must report to Congress by end of each year number of actions brought against states
- Provides for private right of action
- The State is the only Defendant

SEC. 904. REVISIONS TO 45-DAY ABSENTEE BALLOT TRANSMISSION RULE.

- Requires express delivery of ballots if State misses 45-day deadline.
- Requires State enable express delivery for ballot to be returned in sent fewer than 40 days prior to election.
- Clarifies 45 days prior to an election, or most recent weekday which proceeds 45th day in case of weekend or public holiday.

SEC. 905. USE OF SINGLE ABSENTEE BALLOT APPLICATION FOR SUBSEQUENT ELECTIONS.

- Requires State send absentee ballot for each subsequent election after official post card form has been submitted, except for when voter notifies State that voter no longer wishes to be registered to vote in the State or has registered in another State.
- Prohibits State from refusing an application for absentee ballot because it was sent before the first date on which the State otherwise accepts.

SEC. 906. EFFECTIVE DATE.

- This subtitle applies to every election occurring after January 1, 2014.

TITLE X—POLL WORKER RECRUITMENT AND TRAINING

SEC. 1001. LEAVE TO SERVE AS A POLL WORKER FOR FEDERAL EMPLOYEES.

- Executive agency employees are entitled leave up to 6 days a year to assist on any election or to receive training to provide assistance
- Office of Personnel Management may prescribe regulations

SEC. 1002. GRANTS TO STATES FOR POLL WORKER RECRUITMENT AND TRAINING.

- EAC may make grants to States for recruiting and training non-partisan poll workers.
- Grant recipients must use EAC materials.

- Amount of grant equal to product of aggregate amount and proportion of voting age population of the state.
- States must submit reports 6 months after training.
- Commission must submit report to Congress no later than 1 year after grant is made.
- Only 3% of appropriations may be used by EAC to administer program.

SEC. 1003. MODEL POLL WORKER TRAINING PROGRAM.

- EAC must develop and provide materials for a model poll worker training program which must include relevant federal law, access to voting by individuals with disabilities, and practical experience using voting machines.

SEC. 1004. STATE DEFINED.

TITLE XI—ENHANCEMENT OF ENFORCEMENT

SEC. 1101. ENHANCEMENT OF ENFORCEMENT OF HELP AMERICA VOTE ACT OF 2002

- Allows individual to file complaint, with Attorney General, to State-based administrative complaint processing entity.
- Provides for a private right of action.
- Does not affect any administrative remedies made available by the State.

TITLE XII—FEDERAL ELECTION INTEGRITY

SEC. 1201. PROHIBITION ON CAMPAIGN ACTIVITIES BY CHIEF STATE ELECTION ADMINISTRATION OFFICIALS.

- Chief State election administration officials may not take part in Federal office campaign, including serving as a member of an authorized committee of a candidate, use of official authority to affect the result, or take part in contributions on behalf of any candidate.
- Exception for when official or immediate family member is a candidate.

TITLE XIII—OTHER ELECTION ADMINISTRATION IMPROVEMENTS

SEC. 1301. TREATMENT OF UNIVERSITIES AS VOTER REGISTRATION AGENCIES.

- Adds each institution of higher education to list of voter registration agencies under NVRA.
- Must register students at each registration for enrollment.

SEC. 1302. MINIMUM NOTIFICATION REQUIREMENTS FOR VOTERS AFFECTED BY POLLING PLACE CHANGES.

- State must notify an individual, not later than 7 days before election, that voter's polling place has changed.

SEC. 1303. VOTER INFORMATION HOTLINE.

- Attorney General shall set up a hotline that provides information on voting, including voter registration, location and hours of polling places, and how to obtain absentee ballots
- Hotline allows individuals to report information on problems encountered in registering or voting, including intimidation or suppression.
- Hotline must be usable by individuals with disabilities and limited proficiency in the English language.

- Establishes task force to provide ongoing analysis of operation of Hotline,
    - Preference to civil rights organizations
    - No criminal offense
    - Term of two years
    - No compensation
- Attorney General reports to congress no later than March 1st every odd-numbered year, description of the reports made and assessment of the effectiveness of the service.
- No less than 15% of appropriations must be used for public awareness of availability of Hotline.

SEC. 1304. REAUTHORIZATION OF ELECTION ASSISTANCE COMMISSION.

- Authorizes EAC for fiscal years 2013-2017

SEC. 1305. APPLICATION OF LAWS TO COMMONWEALTH OF NORTHERN MARIANA ISLANDS.

SEC. 1306. REPEAL OF EXEMPTION OF ELECTION ASSISTANCE COMMISSION FROM CERTAIN GOVERNMENT CONTRACTING REQUIREMENTS.

SEC 1307. NO EFFECT ON OTHER LAWS.