

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 102

To encourage increased voter registration for Federal, State, and local elections, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. MICHEL (for himself and Mr. ROBERTS) introduced the following bill; which was referred jointly to the Committees on House Administration and the Judiciary

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## A BILL

To encourage increased voter registration for Federal, State, and local elections, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Voter Reg-  
5 istration Enhancement Act of 1993”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—The Congress finds that—

8 (1) the right to vote is a fundamental right;

9 (2) all citizens of the United States are entitled

10 to be protected from vote fraud and from voter reg-

1       istration lists that contain the names of ineligible or  
2       nonexistent voters, which dilute the worth of quali-  
3       fied votes honestly cast; and

4               (3) all citizens of the United States are entitled  
5       to be governed by elected and appointed public offi-  
6       cers who are responsible to them and who govern in  
7       the public interest without corruption, self-dealing,  
8       or favoritism.

9       (b) PURPOSES.— The purposes of this Act are—

10              (1) to increase registration of citizens as voters  
11       in elections for Federal office;

12              (2) to make it possible for Federal, State, and  
13       local governments to enhance voter participation in  
14       elections for Federal office;

15              (3) to protect the integrity of the electoral  
16       process;

17              (4) to ensure the maintenance of accurate and  
18       current official voter registration lists; and

19              (5) to guarantee to the States, and to their citi-  
20       zens, a republican form of government, including  
21       elections conducted free of fraud, and governmental  
22       processes conducted free of corruption, self-dealing,  
23       or favoritism.

1 **TITLE I—VOTER REGISTRATION**  
2 **ENHANCEMENT**

3 **SEC. 101. FEDERAL COORDINATION AND BIENNIAL ASSESS-**  
4 **MENT.**

5 The Attorney General—

6 (1) shall be responsible for coordination of Fed-  
7 eral functions under this Act;

8 (2) shall provide information to the States with  
9 respect to State responsibilities under this Act; and

10 (3) shall, not later than June 30 of each even-  
11 numbered year, submit to the Congress a report as-  
12 sessed the impact of this Act on the administration  
13 of elections for Federal office during the preceding  
14 2 calendar years and providing recommendations for  
15 improvements in Federal and State procedures,  
16 forms, and other matters affected by this Act.

17 **SEC. 102. RESPONSIBILITY OF CHIEF STATE ELECTION OF-**  
18 **FICIAL.**

19 The chief State election official of each State shall  
20 be responsible for coordination of State functions under  
21 this title.

1 **SEC. 103. VOTER REGISTRATION ENHANCEMENT BLOCK**  
2 **GRANTS.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—There  
4 are authorized to be appropriated to the Attorney Gen-  
5 eral—

6 (1) for making grants under this section for fis-  
7 cal years 1993, 1994, and 1995, a total of  
8 \$25,000,000; and

9 (2) such additional sums as may be necessary  
10 for administrative expenses of the Attorney General  
11 in carrying out this title.

12 (b) BLOCK GRANTS.—(1) From the amounts appro-  
13 priated under subsection (a) for any fiscal year, the Attor-  
14 ney General shall make grants to States, through chief  
15 State election officials, for the purposes of supporting, fa-  
16 cilitating, and enhancing voter registration.

17 (2) To qualify for a grant under paragraph (1), a  
18 State shall match any amount of Federal funds dollar for  
19 dollar with State funds for voter registration enhancement  
20 activities, such as, but not limited to—

21 (A) providing for voter registration for elections  
22 for Federal office at State departments of motor  
23 vehicles; and

24 (B) providing for uniform and nondiscrim-  
25 inatory programs to ensure that official voter reg-

1       istration lists are accurate and current in each  
2       State.

3       (c) ALLOCATION OF GRANTS.—(1) The Attorney  
4       General shall by regulation establish criteria for allocation  
5       of grants among States based on—

6               (A) the number of residents of each State;

7               (B) the percentage of eligible voters in each  
8       State not registered to vote; and

9               (C) other appropriate factors.

10       (2) In promulgating criteria pursuant to paragraph  
11       (1), the Attorney General shall give special consideration  
12       to State-sponsored programs designed to improve registra-  
13       tion in counties with voter registration percentages signifi-  
14       cantly lower than that for the State as a whole.

15       (d) ADMINISTRATIVE REQUIREMENTS.—(1) The At-  
16       torney General shall by regulation establish administrative  
17       requirements necessary to carry out this section.

18       (2) To be eligible to receive a grant under this sec-  
19       tion, a State shall certify that the State—

20               (A) has in place legislative authority and a plan  
21       to implement procedures to promote and facilitate,  
22       to an extent and in such manner as the Attorney  
23       General may deem adequate to carry out the pur-  
24       poses of this title, voter registration for Federal elec-

1 tions in connection with applications for driver's li-  
2 censes;

3 (B) agrees to use any amount received from a  
4 grant under this section in accordance with the re-  
5 quirements of this section;

6 (C) agrees that any amount received through a  
7 grant under this section for any period will be used  
8 to supplement and increase any State, local, or other  
9 non-Federal funds that would, in the absence of the  
10 grant, be made available for the programs and ac-  
11 tivities for which grants are provided under this sec-  
12 tion and will in no event supplant such State, local,  
13 and other non-Federal funds; and

14 (D) has established fiscal control and fund ac-  
15 counting procedures to ensure the proper disburse-  
16 ment of, and accounting for, grants made to the  
17 State under this section.

18 (3) The Attorney General may not prescribe for a  
19 State the manner of compliance with the requirements of  
20 this subsection.

21 (e) REPORTS.—(1) The chief State election official  
22 of a State that receives a grant under this section shall  
23 submit to the Attorney General annual reports on its ac-  
24 tivities under this section.

1 (2) A report required by paragraph (1) shall be in  
2 such form and contain such information as the Attorney  
3 General, after consultation with chief State election offi-  
4 cials, determines to be necessary to—

5 (A) determine whether grant amounts were ex-  
6 pended in accordance with this section;

7 (B) describe activities under this section; and

8 (C) provide a record of the progress made to-  
9 ward achieving the purposes for which the block  
10 grants were provided.

11 **SEC. 104. DEFINITIONS.**

12 For the purpose of this title—

13 (1) the term “chief State election official”  
14 means, with respect to a State, the officer, employee,  
15 or entity with authority, under State law, for elec-  
16 tion administration in the State;

17 (2) the term “election” has the meaning stated  
18 in section 301(1) of the Federal Election Campaign  
19 Act of 1971 (2 U.S.C. 431(1));

20 (3) the term “Federal office” has the meaning  
21 stated in section 301(3) of the Federal Election  
22 Campaign Act of 1971 (2 U.S.C. 431(3)); and

23 (4) the term “State” has the meaning stated in  
24 section 301(12) of the Federal Election Campaign  
25 Act of 1971 (2 U.S.C. 431(12)).

1 **TITLE II—PUBLIC CORRUPTION**

2 **SEC. 201. ELECTION FRAUD AND OTHER PUBLIC CORRUP-**  
3 **TION.**

4 (a) AMENDMENT OF TITLE 18 OF THE UNITED  
5 STATES CODE.—Chapter 11 of title 18, United States  
6 Code, is amended by adding at the end thereof the follow-  
7 ing new section:

8 **“§ 226. Public corruption**

9 “(a) Whoever, in a circumstance described in sub-  
10 section (d), defrauds, or endeavors to defraud, by any  
11 scheme or artifice, the inhabitants of the United States,  
12 a State, a political subdivision of a State, or Indian coun-  
13 try of the honest services of an official or employee of the  
14 United States or the State, political subdivision, or Indian  
15 tribal government shall be fined under this title, impris-  
16 oned for not more than 20 years, or both.

17 “(b) Whoever, in a circumstance described in sub-  
18 section (d), defrauds, or endeavors to defraud, by any  
19 scheme or artifice, the inhabitants of the United States,  
20 a State, a political subdivision of a State, or Indian coun-  
21 try of a fair and impartially conducted election process  
22 in any primary, runoff, special, or general election—

23 “(1) through the procurement, casting, or tab-  
24 ulation of ballots that are materially false, fictitious,

1 or fraudulent or that are invalid, under the laws of  
2 the jurisdiction in which the election is held;

3 “(2) through paying or offering to pay any per-  
4 son for voting;

5 “(3) through the procurement or submission of  
6 voter registrations that contain false material infor-  
7 mation, or omit material information; or

8 “(4) through the filing of any report required  
9 to be filed under State law regarding an election  
10 campaign that contains false material information or  
11 omits material information,

12 shall be fined under this title, imprisoned for not more  
13 than 20 years, or both.

14 “(c) Whoever, being a public official or an official or  
15 employee of the United States, a State, a political subdivi-  
16 sion of a State, or an Indian tribal government, in a cir-  
17 cumstance described in subsection (d), defrauds or endeav-  
18 ors to defraud, by any scheme or artifice, the inhabitants  
19 of the United States, a State, a political subdivision of  
20 a State, or Indian country of the right to have the affairs  
21 of the United States, the State, political subdivision, or  
22 Indian tribal government conducted on the basis of com-  
23 plete, true, and accurate material information, shall be  
24 fined under this title, imprisoned for not more than 20  
25 years, or both.

1       “(d) The circumstances referred to in subsections (a),  
2 (b), and (c) are that—

3           “(1) for the purpose of executing or concealing  
4 such scheme or artifice or attempting to do so, the  
5 person so doing—

6           “(A) places in any post office or authorized  
7 depository for mail matter, any matter or thing  
8 whatever to be sent or delivered by the Postal  
9 Service, or takes or receives therefrom, any  
10 such matter or thing, or knowingly causes to be  
11 delivered by mail according to the direction  
12 thereon, or at the place at which it is directed  
13 to be delivered by the person to whom it is ad-  
14 dressed, any such matter or thing;

15           “(B) transmits or causes to be transmitted  
16 by means of wire, radio, or television commu-  
17 nication in interstate or foreign commerce any  
18 writings, signs, signals, pictures, or sounds;

19           “(C) transports or causes to be trans-  
20 ported any person or thing, or induces any per-  
21 son to travel in or to be transported in, inter-  
22 state or foreign commerce; or

23           “(D) in connection with intrastate, inter-  
24 state, or foreign commerce, engages the use of  
25 a facility of interstate or foreign commerce;

1           “(2) the scheme or artifice affects or constitutes  
2           an attempt to affect in any manner or degree, or  
3           would if executed or concealed so affect, interstate  
4           or foreign commerce; or

5           “(3) as applied to an offense under subsection  
6           (b), an objective of the scheme or artifice is to se-  
7           cure the election of an official who, if elected, would  
8           have some authority over the administration of  
9           funds derived from an Act of Congress totaling  
10          \$10,000 or more during the 12-month period imme-  
11          diately preceding or following the election or date of  
12          the offense.

13          “(e) Whoever defrauds or endeavors to defraud, by  
14          any scheme or artifice, the inhabitants of the United  
15          States of the honest services of a public official or person  
16          who has been selected to be a public official shall be fined  
17          under this title, imprisoned for not more than 20 years,  
18          or both.

19          “(f) Whoever, being an official, public official, or per-  
20          son who has been selected to be a public official, directly  
21          or indirectly discharges, demotes, suspends, threatens,  
22          harasses, or in any manner discriminates against an em-  
23          ployee or official of the United States, a State, a political  
24          subdivision of a State, or an Indian tribal government, or  
25          endeavors to do so, in order to carry out or to conceal

1 any scheme or artifice described in this section, shall be  
2 fined under this title, imprisoned for not more than 5  
3 years, or both.

4 “(g) For the purposes of this section—

5 “(1) the term ‘official’ includes—

6 “(A) any person employed by, exercising  
7 any authority derived from, or holding any posi-  
8 tion in an Indian tribal government or the gov-  
9 ernment of a State or any subdivision of the ex-  
10 ecutive, legislative, judicial, or other branch of  
11 government thereof, including a department,  
12 independent establishment, commission, admin-  
13 istration, authority, board, and bureau, and a  
14 corporation or other legal entity established and  
15 subject to control by a government or govern-  
16 ments for the execution of a governmental or  
17 intergovernmental program;

18 “(B) any person acting or pretending to  
19 act under color of official authority; and

20 “(C) any person who has been nominated,  
21 appointed, or selected to be an official or who  
22 has been officially informed that such person  
23 will be so nominated, appointed, or selected;

24 “(2) the terms ‘public official’ and ‘person who  
25 has been selected to be a public official’ have the

1 meanings stated in section 201(a) and shall also in-  
2 clude any person acting or pretending to act under  
3 color of official authority;

4 “(3) the term ‘State’ means a State of the  
5 United States, the District of Columbia, Puerto  
6 Rico, and any other commonwealth, territory, or  
7 possession of the United States; and

8 “(4) the term ‘under color of official authority’  
9 includes any person who represents that such person  
10 controls, is an agent of, or otherwise acts on behalf  
11 of an official, a public official, or a person who has  
12 been selected to be a public official.”.

13 (b) TECHNICAL AMENDMENTS.—(1) The table of sec-  
14 tions for chapter 11 of title 18, United States Code, is  
15 amended by adding at the end thereof the following item:

“226. Public corruption.”.

16 (2) Section 1961(1) of title 18, United States Code,  
17 is amended by inserting “section 226 (relating to public  
18 corruption),” after “section 224 (relating to sports brib-  
19 ery),”.

20 (3) Section 2516(1)(c) of title 18, United States  
21 Code, is amended by inserting “section 226 (relating to  
22 public corruption),” after “section 224 (bribery in sport-  
23 ing contests),”.

1 **SEC. 202. FRAUD IN INTERSTATE COMMERCE.**

2 (a) AMENDMENT OF TITLE 18 OF THE UNITED  
3 STATES CODE.—Section 1343 of title 18, United States  
4 Code, is amended—

5 (1) by striking “transmits or causes to be  
6 transmitted by means of wire, radio, or television  
7 communication in interstate or foreign commerce,  
8 any writings, signs, signals, pictures, or sounds” and  
9 inserting “in connection with intrastate, interstate,  
10 or foreign commerce, engages the use of a facility of  
11 interstate or foreign commerce”; and

12 (2) by inserting “or attempting to do so” after  
13 “for the purpose of executing such scheme or arti-  
14 fice”.

15 (b) TECHNICAL AMENDMENTS.—(1) The heading of  
16 section 1343 of title 18, United States Code, is amended  
17 to read as follows:

18 **“§1343. Fraud by use of facility of interstate com-  
19 merce”.**

20 (2) The chapter analysis for chapter 63 of title 18,  
21 United States Code, is amended by striking the analysis  
22 for section 1343 and inserting the following:

“1343. Fraud by use of facility of interstate commerce.”.

1 **SEC. 203. PRESERVATION OF THE EFFECT OF STATE LAW**  
2 **THAT PROVIDES GREATER PROTECTION**  
3 **AGAINST VOTE FRAUD.**

4 In the case of any conflict between the provisions of  
5 this Act and any provision of the civil or criminal law of  
6 any State, the law of the State shall prevail to the extent  
7 that such State law provides for more stringent suppres-  
8 sion of vote fraud than this Act.

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