

Calendar No. 8

103D CONGRESS
1ST SESSION

S. 460

[Report No. 103-6]

A BILL

To establish national voter registration procedures
for Federal elections, and for other purposes.

FEBRUARY 25 (legislative day, JANUARY 5), 1993
Read twice and placed on the calendar

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To establish national voter registration procedures for Federal elections, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 25 (legislative day, JANUARY 5), 1993

Mr. FORD, from the Committee on Rules and Administration, reported the following original bill; which was read twice and placed on the calendar

A BILL

To establish national voter registration procedures for Federal 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 Act of 1993”.

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

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

1 (1) the right of citizens of the United States to
2 vote is a fundamental right;

3 (2) it is the duty of the Federal, State, and
4 local governments to promote the exercise of that
5 right; and

6 (3) discriminatory and unfair registration laws
7 and procedures can have a direct and damaging ef-
8 fect on voter participation in elections for Federal
9 office and disproportionately harm voter participa-
10 tion by various groups, including racial minorities.

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

12 (1) to establish procedures that will increase
13 the number of eligible citizens who register to vote
14 in elections for Federal office;

15 (2) to make it possible for Federal, State, and
16 local governments to implement this Act in a man-
17 ner that enhances the participation of eligible citi-
18 zens as voters in elections for Federal office;

19 (3) to protect the integrity of the electoral proc-
20 ess; and

21 (4) to ensure that accurate and current voter
22 registration rolls are maintained.

23 **SEC. 3. DEFINITIONS.**

24 As used in this Act—

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

4 (2) the term “Federal office” has the meaning
5 stated in section 301(3) of the Federal Election
6 Campaign Act of 1971 (2 U.S.C. 431(3));

7 (3) the term “motor vehicle driver’s license” in-
8 cludes any personal identification document issued
9 by a State motor vehicle authority;

10 (4) the term “State” means a State of the
11 United States and the District of Columbia; and

12 (5) the term “voter registration agency” means
13 an office designated under section 7(a)(1) to per-
14 form voter registration activities.

15 **SEC. 4. NATIONAL PROCEDURES FOR VOTER REGISTRA-**
16 **TION FOR ELECTIONS FOR FEDERAL OFFICE.**

17 (a) IN GENERAL.—Except as provided in subsection

18 (b), notwithstanding any other Federal or State law, in
19 addition to any other method of voter registration pro-
20 vided for under State law, each State shall establish proce-
21 dures to register to vote in elections for Federal office—

22 (1) by application made simultaneously with an
23 application for a motor vehicle driver’s license pursu-
24 ant to section 5;

1 (2) by mail application pursuant to section 6;
2 and

3 (3) by application in person—

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

7 (B) at a Federal, State, or nongovern-
8 mental office designated under section 7.

9 (b) NONAPPLICABILITY TO CERTAIN STATES.—This
10 Act does not apply to a State described in either or both
11 of the following paragraphs:

12 (1) A State in which there is no voter registra-
13 tion requirement for any voter in the State with
14 respect to an election for Federal office.

15 (2) A State in which all voters in the State may
16 register to vote at the polling place at the time of
17 voting in a general election for Federal office.

18 **SEC. 5. SIMULTANEOUS APPLICATION FOR VOTER REG-**
19 **ISTRATION AND APPLICATION FOR MOTOR**
20 **VEHICLE DRIVER'S LICENSE.**

21 (a) IN GENERAL.—(1) Except as provided in sub-
22 section (b), each State motor vehicle driver's license appli-
23 cation (including any renewal application) submitted to
24 the appropriate State motor vehicle authority under State

1 law shall serve as an application for voter registration with
2 respect to elections for Federal office.

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

6 (b) DECLINATION TO REGISTER.—(1) An applicant
7 for a State motor vehicle driver’s license may decline in
8 writing to be registered by means of the motor vehicle
9 driver’s license application.

10 (2) No information relating to a declination pursuant
11 to paragraph (1) may be used for any purpose other than
12 voter registration.

13 (c) FORMS AND PROCEDURES.—(1) Each State shall
14 include a voter registration application form for elections
15 for Federal office as part of an application for a State
16 motor vehicle driver’s license.

17 (2) The voter registration application portion of an
18 application for a State motor vehicle driver’s license—

19 (A) may not require any information that dupli-
20 cates information required in the driver’s license
21 portion of the form (other than a second signature
22 or other information necessary under subparagraph
23 (C));

1 (B) shall include a means by which an applicant
2 may decline to register to vote pursuant to sub-
3 section (b);

4 (C) may require only the minimum amount of
5 information necessary to—

6 (i) prevent duplicate voter registrations;

7 and

8 (ii) enable State election officials to assess
9 the eligibility of the applicant and to administer
10 voter registration and other parts of the elec-
11 tion process;

12 (D) shall include a statement that—

13 (i) states each eligibility requirement (in-
14 cluding citizenship);

15 (ii) contains an attestation that the appli-
16 cant meets each such requirement; and

17 (iii) requires the signature of the applicant,
18 under penalty of perjury; and

19 (E) shall be made available (as submitted by
20 the applicant, or in machine readable or other for-
21 mat) to the appropriate State election official as
22 provided by State law.

23 (d) CHANGE OF ADDRESS.—Any change of address
24 form submitted in accordance with State law for purposes
25 of a State motor vehicle driver's license shall serve as noti-

1 fication of change of address for voter registration with
2 respect to elections for Federal office for the registrant
3 involved unless the registrant states on the form that the
4 change of address is not for voter registration purposes.

5 **SEC. 6. MAIL REGISTRATION.**

6 (a) FORM.—(1) Each State shall accept and use the
7 mail voter registration application form prescribed by the
8 Federal Election Commission pursuant to section 9(a)(2)
9 for the registration of voters in elections for Federal office.

10 (2) In addition to accepting and using the form de-
11 scribed in paragraph (1), a State may develop and use
12 a mail voter registration form that meets all of the criteria
13 stated in section 9(b) for the registration of voters in elec-
14 tions for Federal office.

15 (3) A form described in paragraph (1) or (2) shall
16 be accepted and used for notification of a registrant's
17 change of address.

18 (b) AVAILABILITY OF FORMS.—The chief State elec-
19 tion official of a State shall make the forms described in
20 subsection (a) available for distribution through govern-
21 mental and private entities, with particular emphasis on
22 making them available for organized voter registration
23 programs.

1 (c) FIRST-TIME VOTERS.—(1) Subject to paragraph
2 (2), a State may by law require a person to vote in person
3 if—

4 (A) the person was registered to vote in a juris-
5 diction by mail; and

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

8 (2) Paragraph (1) does not apply in the case of a
9 person—

10 (A) who is entitled to vote by absentee ballot
11 under the Uniformed and Overseas Citizens Absen-
12 tee Voting Act (42 U.S.C. 1973ff–1 et seq.);

13 (B) who is provided the right to vote otherwise
14 than in person under section 3(b)(2)(B)(ii) of the
15 Voting Accessibility for the Elderly and Handi-
16 capped Act (42 U.S.C. 1973ee–1(b)(2)(B)(ii)); or

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

19 **SEC. 7. VOTER REGISTRATION AGENCIES.**

20 (a) DESIGNATION.—(1) Each State shall designate
21 agencies for the registration of voters in elections for
22 Federal office.

23 (2) Each State shall designate as voter registration
24 agencies—

1 (A) all offices in the State that provide public
2 assistance, unemployment compensation, or related
3 services; and

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

7 (3)(A) In addition to voter registration agencies des-
8 ignated under paragraph (2), each State shall designate
9 other offices within the State as voter registration
10 agencies.

11 (B) Voter registration agencies designated under sub-
12 paragraph (A) may include—

13 (i) State or local government offices such as
14 public libraries, public schools, offices of city and
15 county clerks (including marriage license bureaus),
16 fishing and hunting license bureaus, government rev-
17 enue offices, and offices not described in paragraph
18 (2)(B) that provide services to persons with disabil-
19 ities; and

20 (ii) Federal and nongovernmental offices, with
21 the agreement of such offices.

22 (4)(A) At each voter registration agency, the follow-
23 ing services shall be made available:

24 (i) Distribution of mail voter registration appli-
25 cation forms in accordance with paragraph (6).

1 (ii) Assistance to applicants in completing voter
2 registration application forms.

3 (iii) Acceptance of completed voter registration
4 application forms for transmittal to the appropriate
5 State election official.

6 (B) If a voter registration agency designated under
7 paragraph (2)(B) provides services to a person with a dis-
8 ability at the person's home, the agency shall provide the
9 services described in subparagraph (A) at the person's
10 home.

11 (5) A person who provides service described in para-
12 graph (4) shall not—

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

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

17 (C) make any statement to an applicant or take
18 any action the purpose or effect of which is to dis-
19 courage the applicant from registering to vote.

20 (6) A voter registration agency that is an office that
21 provides service or assistance in addition to conducting
22 voter registration shall—

23 (A) distribute with each application for such
24 service or assistance, and with each recertification,

1 renewal, or change of address form relating to such
2 service or assistance—

3 (i) the mail voter registration application
4 form described in section 9(a)(2), including a
5 statement that—

6 (I) specifies each eligibility require-
7 ment (including citizenship);

8 (II) contains an attestation that the
9 applicant meets each such requirement;
10 and

11 (III) requires the signature of the ap-
12 plicant, under penalty of perjury; or

13 (ii) the office's own form if it is equivalent
14 to the form described in section 9(a)(2),
15 unless the applicant, in writing, declines to register
16 to vote;

17 (B) to the greatest extent practicable, incor-
18 porate in application forms and other forms used at
19 those offices for purposes other than voter registra-
20 tion a means by which a person who completes the
21 form may decline, in writing, to register to vote in
22 elections for Federal office; and

23 (C) provide to each applicant who does not de-
24 cline to register to vote the same degree of assist-
25 ance with regard to the completion of the registra-

1 tion application form as is provided by the office
2 with regard to the completion of its own forms.

3 (7) No information relating to a declination to reg-
4 ister to vote in connection with an application made at
5 an office described in paragraph (6) may be used for any
6 purpose other than voter registration.

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

13 (c) TRANSMITTAL DEADLINE.—(1) Subject to para-
14 graph (2), a completed registration application accepted
15 at a voter registration agency shall be transmitted to the
16 appropriate State election official not later than 10 days
17 after the date of acceptance.

18 (2) If a registration application is accepted within 5
19 days before the last day for registration to vote in an elec-
20 tion, the application shall be transmitted to the appro-
21 priate State election official not later than 5 days after
22 the date of acceptance.

1 **SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRA-**
2 **TION OF VOTER REGISTRATION.**

3 (a) IN GENERAL.—In the administration of voter
4 registration for elections for Federal office, each State
5 shall—

6 (1) ensure that any eligible applicant is reg-
7 istered to vote in an election—

8 (A) in the case of registration with a motor
9 vehicle application under section 5, if the valid
10 voter registration form of the applicant is sub-
11 mitted to the appropriate State motor vehicle
12 authority not later than the lesser of 30 days,
13 or the period provided by State law, before the
14 date of the election;

15 (B) in the case of registration by mail
16 under section 6, if the valid voter registration
17 form of the applicant is postmarked not later
18 than the lesser of 30 days, or the period pro-
19 vided by State law, before the date of the
20 election;

21 (C) in the case of registration at a voter
22 registration agency, if the valid voter registra-
23 tion form of the applicant is accepted at the
24 voter registration agency not later than the
25 lesser of 30 days, or the period provided by
26 State law, before the date of the election; and

1 (D) in any other case, if the valid voter
2 registration form of the applicant is received by
3 the appropriate State election official not later
4 than the lesser of 30 days, or the period pro-
5 vided by State law, before the date of the
6 election;

7 (2) require the appropriate State election offi-
8 cial to send notice to each applicant of the dispo-
9 sition of the application;

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

13 (A) at the request of the registrant;

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

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

17 (4) conduct a general program that makes a
18 reasonable effort to remove the names of ineligible
19 voters from the official lists of eligible voters by
20 reason of—

21 (A) the death of the registrant; or

22 (B) a change in the residence of the reg-
23 istrant, in accordance with subsections (b), (c),
24 and (d);

1 (5) inform applicants under sections 5, 6, and
2 7 of—

3 (A) voter eligibility requirements; and

4 (B) penalties provided by law for submis-
5 sion of a false voter registration application;
6 and

7 (6) ensure that the identity of the voter reg-
8 istration agency through which any particular voter
9 is registered is not disclosed to the public.

10 (b) CONFIRMATION OF VOTER REGISTRATION.—Any
11 State program or activity to protect the integrity of the
12 electoral process by ensuring the maintenance of an accu-
13 rate and current voter registration roll for elections for
14 Federal office—

15 (1) shall be uniform, nondiscriminatory, and in
16 compliance with the Voting Rights Act of 1965 (42
17 U.S.C. 1973 et seq.); and

18 (2) shall not result in the removal of the name
19 of any person from the official list of voters reg-
20 istered to vote in an election for Federal office by
21 reason of the person's failure to vote.

22 (c) VOTER REMOVAL PROGRAMS.—(1) A State may
23 meet the requirement of subsection (a)(4) by establishing
24 a program under which—

1 (A) change-of-address information supplied by
2 the Postal Service through its licensees is used to
3 identify registrants whose addresses may have
4 changed; and

5 (B) if it appears from information provided by
6 the Postal Service that—

7 (i) a registrant has moved to a different
8 residence address in the same registrar's juris-
9 diction in which the registrant is currently reg-
10 istered, the registrar changes the registration
11 records to show the new address and sends the
12 registrant a notice of the change by forwardable
13 mail and a postage prepaid pre-addressed re-
14 turn form by which the registrant may verify or
15 correct the address information; or

16 (ii) the registrant has moved to a different
17 residence address not in the same registrar's ju-
18 risdiction, the registrar uses the notice proce-
19 dure described in subsection (d)(2) to confirm
20 the change of address.

21 (2)(A) A State shall complete, not later than 90 days
22 prior to the date of a primary or general election for Fed-
23 eral office, any program the purpose of which is to system-
24 atically remove the names of ineligible voters from the
25 official lists of eligible voters.

1 (B) Subparagraph (A) shall not be construed to
2 preclude—

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

6 (ii) correction of registration records pursuant
7 to this Act.

8 (d) REMOVAL OF NAMES FROM VOTING ROLLS.—(1)
9 A State shall not remove the name of a registrant from
10 the official list of eligible voters in elections for Federal
11 office on the ground that the registrant has changed resi-
12 dence unless the registrant—

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

16 (B)(i) has failed to respond to a notice de-
17 scribed in paragraph (2); and

18 (ii) has not voted or appeared to vote (and, if
19 necessary, correct the registrar's record of the reg-
20 istrant's address) in an election during the period
21 beginning on the date of the notice and ending on
22 the day after the date of the second general election
23 for Federal office that occurs after the date of the
24 notice.

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

6 (A) If the registrant did not change his or her
7 residence, or changed residence but remained in the
8 registrar's jurisdiction, the registrant should return
9 the card not later than the time provided for mail
10 registration under subsection (a)(1)(B). If the card
11 is not returned, affirmation or confirmation of the
12 registrant's address may be required before the reg-
13 istrant is permitted to vote in a Federal election
14 during the period beginning on the date of the notice
15 and ending on the day after the date of the second
16 general election for Federal office that occurs after
17 the date of the notice, and if the registrant does not
18 vote in an election during that period the reg-
19 istrant's name will be removed from the list of eligi-
20 ble voters.

21 (B) If the registrant has changed residence to
22 a place outside the registrar's jurisdiction in which
23 the registrant is registered, information concerning
24 how the registrant can continue to be eligible to
25 vote.

1 (3) A voting registrar shall correct an official list of
2 eligible voters in elections for Federal office in accordance
3 with change of residence information obtained in conform-
4 ance with this subsection.

5 (e) PROCEDURE FOR VOTING FOLLOWING FAILURE
6 TO RETURN CARD.—(1) A registrant who has moved from
7 an address in the area covered by a polling place to an
8 address in the same area shall, notwithstanding failure to
9 notify the registrar of the change of address prior to the
10 date of an election, be permitted to vote at that polling
11 place upon oral or written affirmation by the registrant
12 of the change of address before an election official at that
13 polling place.

14 (2)(A) A registrant who has moved from an address
15 in the area covered by one polling place to an address in
16 an area covered by a second polling place within the same
17 registrar’s jurisdiction and the same congressional district
18 and who has failed to notify the registrar of the change
19 of address prior to the date of an election, at the option
20 of the registrant—

21 (i) shall be permitted to correct the voting
22 records and vote at the registrant’s former polling
23 place, upon oral or written affirmation by the reg-
24 istrant of the new address before an election official
25 at that polling place; or

1 (ii)(I) shall be permitted to correct the voting
2 records and vote at a central location within the
3 same registrar's jurisdiction designated by the reg-
4 istrar where a list of eligible voters is maintained,
5 upon written affirmation by the registrant of the
6 new address on a standard form provided by the
7 registrar at the central location; or

8 (II) shall be permitted to correct the voting
9 records for purposes of voting in future elections at
10 the appropriate polling place for the current address
11 and, if permitted by State law, shall be permitted to
12 vote in the present election, upon confirmation by
13 the registrant of the new address by such means as
14 are required by law.

15 (B) If State law permits the registrant to vote in the
16 current election upon oral or written affirmation by the
17 registrant of the new address at a polling place described
18 in subparagraph (A)(ii)(II), voting at the former polling
19 place as described in subparagraph (A)(i) and at a central
20 location as described in subparagraph (A)(ii)(I) need not
21 be provided as alternative options.

22 (3) If the registration records indicate that a reg-
23 istrant has moved from an address in the area covered
24 by a polling place, the registrant shall, upon oral or writ-
25 ten affirmation by the registrant before an election official

1 at that polling place that the registrant continues to reside
2 at the address previously made known to the registrar, be
3 permitted to vote at that polling place.

4 (f) CHANGE OF VOTING ADDRESS WITHIN A JURIS-
5 DICTION.—In the case of a change of address, for voting
6 purposes, of a registrant to another address within the
7 same registrar’s jurisdiction, the registrar shall correct the
8 voting registration list accordingly, and the registrant’s
9 name may not be removed from the official list of eligible
10 voters by reason of such a change of address except as
11 provided in subsection (d).

12 (g) CONVICTION IN FEDERAL COURT.—(1) On the
13 conviction of a person of a felony in a district court of
14 the United States, the United States attorney shall give
15 written notice of the conviction to the chief State election
16 official designated under section 10 of the State of the
17 person’s residence.

18 (2) A notice given pursuant to paragraph (1) shall
19 include—

20 (A) the name of the offender;

21 (B) the offender’s age and residence address;

22 (C) the date of entry of the judgment;

23 (D) a description of the offenses of which the
24 offender was convicted; and

25 (E) the sentence imposed by the court.

1 ing that the official certifies is required or authorized by
2 the National Voter Registration Act of 1993.”.

3 (2) The first sentence of section 2401(c) of title 39,
4 United States Code, is amended by striking out “and
5 3626(a)–(h) and (j)–(k) of this title,” and inserting in lieu
6 thereof “3626(a)–(h), 3626(j)–(k), and 3629 of this title”.

7 (3) Section 3627 of title 39, United States Code, is
8 amended by striking out “or 3626 of this title,” and in-
9 serting in lieu thereof “3626, or 3629 of this title”.

10 (4) The table of sections for chapter 36 of title 39,
11 United States Code, is amended by inserting after the
12 item relating to section 3628 the following new item:

“3629. Reduced rates for voter registration purposes.”.

13 (i) PUBLIC DISCLOSURE OF VOTER REGISTRATION
14 ACTIVITIES.—(1) Each State shall maintain for at least
15 2 years and shall make available for public inspection and,
16 where available, photocopying at a reasonable cost, all
17 records concerning the implementation of programs and
18 activities conducted for the purpose of ensuring the accu-
19 racy and currency of official lists of eligible voters, except
20 to the extent that such records relate to a declination to
21 register to vote or to the identity of a voter registration
22 agency through which any particular voter is registered.

23 (2) The records maintained pursuant to paragraph
24 (1) shall include lists of the names and addresses of all

1 persons to whom notices described in subsection (d)(2) are
2 sent, and information concerning whether or not each such
3 person has responded to the notice as of the date that
4 inspection of the records is made.

5 (j) DEFINITION.—For the purposes of this section,
6 the term “registrar’s jurisdiction” means—

7 (1) an incorporated city, town, borough, or
8 other form of municipality;

9 (2) if voter registration is maintained by a
10 county, parish, or other unit of government that gov-
11 erns a larger geographic area than a municipality,
12 the geographic area governed by that unit of govern-
13 ment; or

14 (3) if voter registration is maintained on a con-
15 solidated basis for more than one municipality or
16 other unit of government by an office that performs
17 all of the functions of a voting registrar, the geo-
18 graphic area of the consolidated municipalities or
19 other geographic units.

20 **SEC. 9. FEDERAL COORDINATION AND REGULATIONS.**

21 (a) IN GENERAL.—The Federal Election Commis-
22 sion—

23 (1) in consultation with the chief election offi-
24 cers of the States, the heads of the departments,
25 agencies, and other entities of the executive branch

1 of the Federal Government, and representatives of
2 nongovernmental entities, shall prescribe such regu-
3 lations as are necessary to carry out this Act;

4 (2) in consultation with the chief election offi-
5 cers of the States, shall develop a mail voter reg-
6 istration application form for elections for Federal
7 office;

8 (3) not later than June 30 of each odd-num-
9 bered year, shall submit to the Congress a report as-
10 ssuming the impact of this Act on the administration
11 of elections for Federal office during the preceding
12 2-year period and including recommendations for
13 improvements in Federal and State procedures,
14 forms, and other matters affected by this Act; and

15 (4) shall provide information to the States with
16 respect to the responsibilities of the States under
17 this Act.

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

21 (1) may require only such identifying informa-
22 tion (including the signature of the applicant) and
23 other information (including data relating to pre-
24 vious registration by the applicant), as is necessary
25 to enable the appropriate State election official to

1 assess the eligibility of the applicant and to admin-
2 ister voter registration and other parts of the
3 election process;

4 (2) shall include a statement that—

5 (A) specifies each eligibility requirement
6 (including citizenship);

7 (B) contains an attestation that the appli-
8 cant meets each such requirement; and

9 (C) requires the signature of the applicant,
10 under penalty of perjury; and

11 (3) may not include any requirement for notari-
12 zation or other formal authentication.

13 **SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFI-
14 CIAL.**

15 Each State shall designate a State officer or employee
16 as the chief State election official to be responsible for co-
17 ordination of State responsibilities under this Act.

18 **SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF AC-
19 TION.**

20 (a) ATTORNEY GENERAL.—The Attorney General
21 may bring a civil action in an appropriate district court
22 for such declaratory or injunctive relief as is necessary to
23 carry out this Act.

24 (b) PRIVATE RIGHT OF ACTION.—(1) A person who
25 is aggrieved by a violation of this Act may provide written

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

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

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

15 (c) ATTORNEY'S FEES.—In a civil action under this
16 section, the court may allow the prevailing party (other
17 than the United States) reasonable attorney fees, includ-
18 ing litigation expenses, and costs.

19 (d) RELATION TO OTHER LAWS.—(1) The rights and
20 remedies established by this section are in addition to all
21 other rights and remedies provided by law, and neither
22 the rights and remedies established by this section nor any
23 other provision of this Act shall supersede, restrict, or
24 limit the application of the Voting Rights Act of 1965 (42
25 U.S.C. 1973 et seq.).

1 (2) Nothing in this Act authorizes or requires con-
2 duct that is prohibited by the Voting Rights Act of 1965
3 (42 U.S.C. 1973 et seq.).

4 **SEC. 12. CRIMINAL PENALTIES.**

5 A person, including an election official, who in any
6 election for Federal office—

7 (1) knowingly and willfully intimidates, threat-
8 ens, or coerces, or attempts to intimidate, threaten,
9 or coerce, any person for—

10 (A) registering to vote, or voting, or at-
11 tempting to register or vote;

12 (B) urging or aiding any person to register
13 to vote, to vote, or to attempt to register or
14 vote; or

15 (C) exercising any right under this Act; or

16 (2) knowingly and willfully deprives, defrauds,
17 or attempts to deprive or defraud the residents of a
18 State of a fair and impartially conducted election
19 process, by—

20 (A) the procurement or submission of voter
21 registration applications that are known by the
22 person to be materially false, fictitious, or
23 fraudulent under the laws of the State in which
24 the election is held; or

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

12 **SEC. 13. EFFECTIVE DATE.**

13 This Act shall take effect—

14 (1) with respect to a State that on the date of
15 enactment of this Act has a provision in the con-
16 stitution of the State that would preclude compliance
17 with this Act unless the State maintained separate
18 Federal and State official lists of eligible voters,
19 on January 1, 1996; and

20 (2) with respect to any State not described in
21 paragraph (1), on January 1, 1995.

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