

106TH CONGRESS  
2D SESSION

# H. R. 5645

To establish a Commission for the comprehensive study of voting practices and procedures in Federal, State, and local elections, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 2000

Ms. KAPTUR introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish a Commission for the comprehensive study of voting practices and procedures in 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 “Commission on the  
5       Comprehensive Study of Voting Practices and Procedures  
6       Act of 2000”.

7       **SEC. 2. FINDINGS.**

8       Congress finds that—

1           (1) Americans are increasingly concerned about  
2 current voting practices and procedures;

3           (2) Americans are increasingly concerned about  
4 the speed and timeliness of vote counts;

5           (3) Americans are increasingly concerned about  
6 the accuracy of vote counts;

7           (4) Americans are concerned about conflicts in  
8 procedures used to file and count military ballots  
9 and absentee ballots;

10          (5) Americans are increasingly concerned about  
11 the security of voting procedures;

12          (6) the increasing use of technology in the  
13 United States calls for a reassessment of the use of  
14 standardized voting technology to assure accuracy in  
15 the administration of Federal elections and an eval-  
16 uation of the most accurate and “fail-safe” tech-  
17 nologies available;

18          (7) Americans are concerned that the influence  
19 of early predictions of results by the media on the  
20 day of election may affect turnout in various regions  
21 of the Nation; and

22          (8) there is a need for Congress to review meth-  
23 ods for standardizing voting practices and proce-  
24 dures in order to ensure the integrity of Federal  
25 elections.

1 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

2       There is established the Commission on the Com-  
3 prehensive Study of Voting Practices and Procedures (in  
4 this Act referred to as the “Commission”).

5 **SEC. 4. DUTIES OF THE COMMISSION.**

6       (a) STUDY.—Not later than 1 year after the date of  
7 enactment of this Act, the Commission shall complete a  
8 thorough study of all issues relating to voting practices  
9 and procedures in Federal, State, and local elections, in-  
10 cluding the following:

11           (1) Voting practices and procedures in Federal,  
12       State, and local government elections.

13           (2) Voting practices and procedures that rep-  
14       resent the best practices in Federal, State, and local  
15       government elections.

16           (3) Legislation and regulatory efforts that af-  
17       fect issues of voting practices and procedures.

18           (4) The implementation of standardized voting  
19       procedures, including standardized technology, for  
20       Federal, State, and local government elections.

21           (5) The speed and timeliness of vote counts in  
22       Federal, State and local elections, including an as-  
23       sessment of regional variations which may be af-  
24       fected by early media predictions of election results.

1           (6) The feasibility and advisability of estab-  
2           lishing a uniform poll closing time applicable in all  
3           States.

4           (7) The accuracy of vote counts in Federal,  
5           State and local elections.

6           (8) The security of voting procedures in Fed-  
7           eral, State and local elections.

8           (b) RECOMMENDATIONS.—The Commission shall de-  
9           velop recommendations on the matters studied under sub-  
10          section (a).

11          (c) REPORTS.—

12           (1) FINAL REPORT.—Not later than 180 days  
13           after the expiration of the period referred to in sub-  
14           section (a), the Commission shall submit a report,  
15           that has been approved by a majority of the mem-  
16           bers of the Commission, to the President and Con-  
17           gress which shall contain a detailed statement of the  
18           findings and conclusions of the Commission, to-  
19           gether with its recommendations for such legislation  
20           and administrative actions as it considers appro-  
21           priate.

22           (2) INTERIM REPORTS.—The Commission may  
23           submit to the President and Congress any interim  
24           reports that are approved by a majority of the mem-  
25           bers of the Commission.

1           (3) **ADDITIONAL REPORTS.**—The Commission  
2           may, together with the report submitted under para-  
3           graph (1), submit additional reports that contain  
4           any dissenting or minority opinions of the members  
5           of the Commission.

6 **SEC. 5. MEMBERSHIP.**

7           (a) **NUMBER AND APPOINTMENT.**—The Commission  
8           shall be composed of 5 members of whom—

9                   (1) 1 shall be appointed by the President;

10                   (2) 1 shall be appointed by the majority leader  
11           of the Senate;

12                   (3) 1 shall be appointed by the minority leader  
13           of the Senate;

14                   (4) 1 shall be appointed by the Speaker of the  
15           House of Representatives; and

16                   (5) 1 shall be appointed by the minority leader  
17           of the House of Representatives.

18           (b) **DATE OF APPOINTMENT.**—The appointments of  
19           the members of the Commission shall be made not later  
20           than 30 days after the date of enactment of this Act.

21           (c) **TERMS.**—Each member of the Commission shall  
22           be appointed for the life of the Commission.

23           (d) **VACANCIES.**—A vacancy in the Commission shall  
24           not affect its powers, but shall be filled in the same man-  
25           ner in which the original appointment was made.

1 (e) MEETINGS.—

2 (1) IN GENERAL.—The Commission shall meet  
3 at the call of the Chairperson or a majority if its  
4 members.

5 (2) INITIAL MEETING.—Not later than 30 days  
6 after the date on which all members of the Commis-  
7 sion have been appointed, the Commission shall hold  
8 its first meeting.

9 (f) QUORUM.—A majority of the members of the  
10 Commission shall constitute a quorum, but a lesser num-  
11 ber of members may hold hearings.

12 (g) CHAIRPERSON AND VICE CHAIRPERSON.—The  
13 Commission shall select a Chairperson and Vice Chair-  
14 person from among its members.

15 **SEC. 6. POWERS OF THE COMMISSION.**

16 (a) HEARINGS AND SESSIONS.—The Commission  
17 may hold such hearings for the purpose of carrying out  
18 this Act, sit and act at such times and places, take such  
19 testimony, and receive such evidence as the Commission  
20 considers advisable to carry out this Act. The Commission  
21 may administer oaths and affirmations to witnesses ap-  
22 pearing before the Commission.

23 (b) INFORMATION FROM FEDERAL AGENCIES.—The  
24 Commission may secure directly from any Federal depart-  
25 ment or agency such information as the Commission con-

1   siders necessary to carry out this Act. Upon request of  
2   the Chairperson of the Commission, the head of such de-  
3   partment or agency shall furnish such information to the  
4   Commission.

5       (c) WEBSITE.—For purposes of conducting the study  
6   under section 4(a), the Commission shall establish a  
7   website to facilitate public comment and participation.

8       (d) POSTAL SERVICES.—The Commission may use  
9   the United States mails in the same manner and under  
10  the same conditions as other departments and agencies of  
11  the Federal Government.

12      (e) ADMINISTRATIVE SUPPORT SERVICES.—Upon  
13  the request of the Chairperson of the Commission, the Ad-  
14  ministrators of the General Services Administration shall  
15  provide to the Commission, on a reimbursable basis, the  
16  administrative support services that are necessary to en-  
17  able the Commission to carry out its duties under this Act.

18      (f) CONTRACTS.—The Commission may contract with  
19  and compensate persons and Federal agencies for supplies  
20  and services without regard to section 3709 of the Revised  
21  Statutes (42 U.S.C. 5).

22      (g) GIFTS AND DONATIONS.—The Commission may  
23  accept, use, and dispose of gifts or donations of services  
24  or property to carry out this Act.

1 **SEC. 7. COMMISSION PERSONNEL MATTERS.**

2 (a) COMPENSATION OF MEMBERS.—Each member of  
3 the Commission who is not an officer or employee of the  
4 Federal Government shall be compensated at a rate equal  
5 to the daily equivalent of the annual rate of basic pay pre-  
6 scribed for level IV of the Executive Schedule under sec-  
7 tion 5315 of title 5, United States Code, for each day (in-  
8 cluding travel time) during which such member is engaged  
9 in the performance of the duties of the Commission. All  
10 members of the Commission who are officers or employees  
11 of the United States shall serve without compensation in  
12 addition to that received for their services as officers or  
13 employees of the United States.

14 (b) TRAVEL EXPENSES.—The members of the Com-  
15 mission shall be allowed travel expenses, including per  
16 diem in lieu of subsistence, at rates authorized for employ-  
17 ees of agencies under subchapter I of chapter 57 of title  
18 5, United States Code, while away from their homes or  
19 regular places of business in the performance of services  
20 for the Commission.

21 (c) STAFF.—

22 (1) IN GENERAL.—The Chairperson of the  
23 Commission may, without regard to the civil service  
24 laws and regulations, appoint and terminate an execu-  
25 tive director and such other additional personnel as  
26 may be necessary to enable the Commission to per-

1 form its duties. The employment of an executive di-  
2 rector shall be subject to confirmation by the Com-  
3 mission.

4 (2) COMPENSATION.—The Chairperson of the  
5 Commission may fix the compensation of the execu-  
6 tive director and other personnel without regard to  
7 chapter 51 and subchapter III of chapter 53 of title  
8 5, United States Code, relating to classification of  
9 positions and General Schedule pay rates, except  
10 that the rate of pay for the executive director and  
11 other personnel may not exceed the rate payable for  
12 level V of the Executive Schedule under section 5316  
13 of such title.

14 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any  
15 Federal Government employee may be detailed to the  
16 Commission without reimbursement, and such detail shall  
17 be without interruption or loss of civil service status or  
18 privilege.

19 (e) PROCUREMENT OF TEMPORARY AND INTERMIT-  
20 TENT SERVICES.—The Chairperson of the Commission  
21 may procure temporary and intermittent services under  
22 section 3109(b) of title 5, United States Code, at rates  
23 for individuals which do not exceed the daily equivalent  
24 of the annual rate of basic pay prescribed for level V of  
25 the Executive Schedule under section 5316 of such title.

1 **SEC. 8. LIMITATION ON CONTRACTING AUTHORITY.**

2 Any new contracting authority provided for in this  
3 Act shall be effective only to the extent, or in the amounts,  
4 provided for in advance in appropriations Acts.

5 **SEC. 9. TERMINATION OF THE COMMISSION.**

6 The Commission shall terminate 30 days after the  
7 date on which the Commission submits its report under  
8 section 4.

9 **SEC. 10. RULE OF CONSTRUCTION.**

10 Nothing in this Act shall be construed to prohibit the  
11 enactment of an Act with respect to voting practices and  
12 procedures during the period in which the Commission is  
13 carrying out its duties under this Act.

14 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) IN GENERAL.—There are authorized to be appro-  
16 priated such sums as may be necessary to the Commission  
17 to carry out this Act.

18 (b) AVAILABILITY.—Any sums appropriated under  
19 the authorization contained in this section shall remain  
20 available, without fiscal year limitation, until expended.

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