

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5664

To establish the 21st Century Bipartisan Electoral Commission to make recommendations to carry out a Voters' Bill of Rights for the 21st century, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 14, 2000

Mr. MARKEY introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on the Judiciary, and Commerce, 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 the 21st Century Bipartisan Electoral Commission to make recommendations to carry out a Voters' Bill of Rights for the 21st century, 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 "Voters' Bill of Rights  
5 for the 21st Century".

1 **SEC. 2. SENSE OF CONGRESS REGARDING RIGHTS OF**  
2 **AMERICAN VOTERS.**

3 It is the sense of Congress that American voters in  
4 the 21st century should be entitled to the following rights:

5 (1) The right to a ballot format that permits  
6 clear identification of candidates and the accurate  
7 implementation of voter's preferences in the selection  
8 of candidates.

9 (2) The right in the Information Age to use a  
10 technology to select candidates that is fair and user  
11 friendly.

12 (3) The right to vote in a manner not preju-  
13 diced by media announcements of election results in  
14 time zones where the polls have closed or when races  
15 are too close to call.

16 (4) The right to vote in a manner not subject  
17 to intimidation.

18 (5) The right of members of the uniformed  
19 service and civilians who vote by absentee ballot to  
20 have their votes counted on Election Day.

21 (6) The right to have a uniform statewide  
22 standard for counting and recounting all votes.

23 (7) The right to have an Electoral College  
24 which reflects the preferences of voters in a fair and  
25 accurate manner.

1           (8) The right to have complaints about elections  
2           and election contests resolved fairly, accurately, and  
3           efficiently.

4           (9) The right to vote on a day of the week  
5           which maximizes voter turnout.

6           (10) The right to make the most informed deci-  
7           sion on Election Day.

8 **TITLE I—21ST CENTURY BIPAR-**  
9 **TISAN ELECTORAL COMMIS-**  
10 **SION**

11 **SEC. 101. ESTABLISHMENT; PURPOSE.**

12           (a) ESTABLISHMENT.—There is hereby established  
13 the 21st Century Bipartisan Electoral Commission (here-  
14 after in this Act referred to as the “Commission”).

15           (b) PURPOSE.—It is the purpose of the Commission  
16 to protect and enforce the rights described in section 2  
17 by carrying out the duties specified under this title.

18 **SEC. 102. MEMBERSHIP; APPOINTMENT.**

19           (a) MEMBERSHIP.—The Commission shall be com-  
20 posed of 20 members with the qualifications described in  
21 subsection (b), who shall be appointed as follows:

22           (1) 5 shall be appointed by the majority leader  
23 of the House of Representatives, of whom not more  
24 than 2 may be elected officials and not fewer than

1       3 shall be individuals who are not officers or employ-  
2       ees of the Federal Government.

3           (2) 5 shall be appointed by the minority leader  
4       of the House of Representatives, of whom not more  
5       than 2 may be elected officials and not fewer than  
6       3 shall be individuals who are not officers or employ-  
7       ees of the Federal Government.

8           (3) 5 shall be appointed by the majority leader  
9       of the Senate, of whom not more than 2 may be  
10      elected officials and not fewer than 3 shall be indi-  
11      viduals who are not officers or employees of the Fed-  
12      eral Government.

13          (4) 5 shall be appointed by the minority leader  
14      of the Senate, of whom not more than 2 may be  
15      elected officials and not fewer than 3 shall be indi-  
16      viduals who are not officers or employees of the Fed-  
17      eral Government.

18      (b) QUALIFICATIONS OF MEMBERS.—

19          (1) IN GENERAL.—Members shall be appointed  
20      from among individuals who have expertise in Fed-  
21      eral and State election laws, the United States Con-  
22      stitution, voting rights, voting technology or other  
23      pertinent qualifications or experience.

24          (2) OTHER CONSIDERATIONS.—In appointing  
25      members of the Commission, every effort shall be

1       made to ensure that the members represent a broad  
2       cross section of regional and demographic perspec-  
3       tives in the United States.

4       (c) PERIOD OF APPOINTMENT; VACANCIES.—(1)  
5       Members of the Commission shall be appointed not later  
6       than 60 days after the date of enactment of this Act. Ap-  
7       pointments shall be for the life of the Commission.

8       (2) Any vacancy in the Commission shall not affect  
9       the powers of the Commission, and shall be filled in the  
10      same manner as the original appointment.

11      (d) CHAIR AND VICE CHAIR.—The members of the  
12      Commission shall elect a chair and vice chair from among  
13      the members of the Commission, except that the chair and  
14      vice chair may not belong to the same political party.

15      (e) SCHEDULE OF MEETINGS AND HEARINGS.—The  
16      Commission shall hold meetings and hearings under such  
17      schedule as the chair may determine in consultation with  
18      the vice chair.

19      (f) QUORUM.—A majority of the members of the  
20      Commission shall constitute a quorum for the transaction  
21      of business.

22      **SEC. 103. DUTIES.**

23      (a) IN GENERAL.—The duties of the Commission  
24      shall be as follows:

1           (1) The Commission shall develop a uniform  
2 ballot format for Presidential elections that is clear,  
3 accurate, and presents candidates in a readily rec-  
4 ognizable way. The ballot must be easy to use for all  
5 age groups and America's diverse population.

6           (2) The Commission shall evaluate existing vot-  
7 ing technologies to determine their accuracy and ef-  
8 fectiveness in reflecting voter's intentions and report  
9 back to Congress on the results with the intent of  
10 utilizing the most effective methods in future elec-  
11 tions.

12           (3) The Commission shall make recommenda-  
13 tions to Congress about the feasibility of a Federal  
14 matching grant program for States to implement  
15 changes in ballot formats and to purchase new, more  
16 accurate, and user-friendly voting machines and tab-  
17 ulation technologies.

18           (4) The Commission shall make recommenda-  
19 tions about a method of voter identification to en-  
20 sure accurate recognition of voters, while insuring  
21 that no voter is subject to intimidation of any kind  
22 in casting votes.

23           (5) The Commission shall establish, in consulta-  
24 tion with the Secretary of Defense and the Post-  
25 master General of the United States, standards for

1 military voting that address issues of postmarks,  
2 witnessing, and time of receipt of ballots to ensure  
3 that the votes of members of the uniformed services  
4 are counted on Election Day.

5 (6) The Commission shall establish standards  
6 for civilian absentee ballots that address issues of  
7 voter identification, witnessing, and time of receipt  
8 to ensure that these ballots are counted on Election  
9 Day.

10 (7) The Commission shall make recommenda-  
11 tions to establish a uniform poll closing time.

12 (8) The Commission shall make recommenda-  
13 tions on the appropriateness of changing Election  
14 Day in Presidential election years to the first Sun-  
15 day in November to increase voter participation.

16 (9) The Commission shall reassess the electoral  
17 college and evaluate strategies to better reflect vot-  
18 ers intentions across the country for electing the  
19 President and Vice President in the 21st century,  
20 whether by leaving the current provisions un-  
21 changed, using only the direct popular vote, using  
22 proportional electoral college votes depending on the  
23 popular vote in each State, or by such other strate-  
24 gies as it may consider.

1           (10) The Commission shall examine State laws  
2           to determine whether or not each State has a uni-  
3           form statewide standard for vote tabulation, pro-  
4           tests, and contests of national, State, and local elec-  
5           tions which would protect against equal protection  
6           violations under the Constitution.

7           (11) The Commission shall make recommenda-  
8           tions on conducting a 21st Century Voter Education  
9           Campaign to make its recommendations and the im-  
10          plementation of those recommendations available to  
11          the public through a variety of media.

12          (b) CONSULTATION WITH OFFICIALS.—In carrying  
13          out its duties under this section, the Commission shall  
14          seek guidance from the governors of the States and from  
15          State and local election officials.

16          **SEC. 104. FINAL REPORT.**

17          (a) IN GENERAL.—Not later than 24 months after  
18          the date of the initial meeting of the Commission, the  
19          Commission shall submit to the President and the Con-  
20          gress a final report including—

21                 (1) the findings and conclusions of the Commis-  
22                 sion with respect to each duty specified under sec-  
23                 tion 103(a); and

24                 (2) recommendations for addressing the prob-  
25                 lems identified as part of the Commission’s analysis.

1 (b) SEPARATE VIEWS.—Any member of the Commis-  
2 sion may submit additional findings and recommendations  
3 as part of the final report.

4 **SEC. 105. POWERS.**

5 (a) HEARINGS.—The Commission may hold such  
6 hearings, sit and act at such times and places, take such  
7 testimony, and receive such evidence as the Commission  
8 may find advisable to fulfill the requirements of this Act.

9 (b) INFORMATION FROM FEDERAL AGENCIES.—The  
10 Commission may secure directly from any Federal depart-  
11 ment or agency such information as the Commission con-  
12 siders necessary to carry out the provisions of this Act.  
13 Upon request of the chairperson of the Commission, the  
14 head of such department or agency shall furnish such in-  
15 formation to the Commission.

16 (c) POSTAL SERVICES.—The Commission may use  
17 the United States mails in the same manner and under  
18 the same conditions as other departments and agencies of  
19 the Federal Government.

20 **SEC. 106. COMMISSION PERSONNEL MATTERS.**

21 (a) COMPENSATION.—Members of the Commission  
22 shall serve without pay, but shall be allowed travel ex-  
23 penses, including per diem in lieu of subsistence, at rates  
24 authorized for employees of agencies under subchapter I  
25 of chapter 57 of title 5, United States Code, while away

1 from their homes or regular places of business in the per-  
2 formance of services for the Commission.

3 (b) STAFF.—(1) The chairperson of the Commission  
4 may appoint staff of the Commission, request the detail  
5 of Federal employees, and accept temporary and intermit-  
6 tent services in accordance with section 3161 of title 5,  
7 United States Code.

8 (2) The employment of an executive director of the  
9 Commission shall be subject to the approval of the Com-  
10 mission.

11 (3) The rate of pay for the executive director and  
12 other personnel of the Commission may not exceed the  
13 rate payable for level V of the Executive Schedule under  
14 section 5316 of such title.

15 **SEC. 107. SUPPORT SERVICES.**

16 The Administrator of General Services shall provide  
17 to the Commission on a reimbursable basis such adminis-  
18 trative support services as the Commission may request.

19 **SEC. 108. WEBSITE.**

20 The Commission shall establish and operate a website  
21 to facilitate public comment on and participation in its ac-  
22 tivities.

