

107TH CONGRESS
1ST SESSION

S. 479

To establish a grant program administered by the Federal Election Commission for the purpose of assisting States to upgrade voting systems to use more advanced and accurate voting devices and to enhance participation by military personnel in national elections.

IN THE SENATE OF THE UNITED STATES

MARCH 7, 2001

Mr. CLELAND introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To establish a grant program administered by the Federal Election Commission for the purpose of assisting States to upgrade voting systems to use more advanced and accurate voting devices and to enhance participation by military personnel in national elections.

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 “Make Every Vote
5 Count Act”.

1 **SEC. 2. VOTING MODERNIZATION PROGRAM.**

2 (a) GRANTS AUTHORIZED.—The Federal Election
3 Commission (referred to in this Act as the “Commission”)
4 is authorized to award matching grants to encourage
5 States and local voting areas to modernize applicable vot-
6 ing systems used for voting and to enhance voter partici-
7 pation.

8 (b) USE OF FUNDS.—

9 (1) STATE.—Amounts received under this sec-
10 tion by a State shall be—

11 (A) disbursed to eligible local voting areas
12 in accordance with subsection (d) to replace ap-
13 plicable voting systems used in elections for
14 Federal office in eligible local voting areas with
15 advanced voting systems, such as electronic vot-
16 ing systems; and

17 (B) from any amounts not disbursed under
18 subparagraph (A) or amounts received from eli-
19 gible local voting areas under paragraph (2),
20 used—

21 (i) to enhance voter participation
22 through activities such as improving reg-
23 istration of voters, expanding training of
24 election officials, and upgrading other vot-
25 ing equipment; and

1 (ii) to reimburse any costs incurred by
2 the State as a result of the amendments
3 made under section 3.

4 (2) ELIGIBLE LOCAL VOTING AREA.—Amounts
5 received under this section by an eligible local voting
6 area shall be—

7 (A) used to replace applicable voting sys-
8 tems used in elections for Federal office in the
9 voting area with an advanced voting system (as
10 determined under paragraph (3)(B)), such as
11 electronic voting systems;

12 (B) in an amount not in excess of 33 per-
13 cent of the amount received, used—

14 (i) to train election officials and edu-
15 cate voters in the use of advanced voting
16 systems implemented under subparagraph
17 (A); and

18 (ii) to reimburse any costs incurred by
19 the voting area as a result of the amend-
20 ments made under section 3;

21 (C) to the extent that all applicable voting
22 systems in the voting area are replaced under
23 subparagraph (A), for purposes described in
24 subparagraph (B); and

1 (D) to the extent any amount is not need-
 2 ed for a use under this paragraph, transferred
 3 to the State for use under paragraph (1)(B).

4 (3) REPLACEMENT OF SYSTEMS.—

5 (A) IN GENERAL.—Applicable voting sys-
 6 tems replaced under paragraph (1) shall only be
 7 replaced with an advanced voting system, as de-
 8 termined under subparagraph (B), that signifi-
 9 cantly lowers error rates in voting procedures
 10 with the intent of eventually replacing all appli-
 11 cable voting systems in the State with a single
 12 advanced voting system.

13 (B) DETERMINATION OF SYSTEM TO BE
 14 USED.—Not later than 60 days after receiving
 15 a grant under this section, the chief election of-
 16 ficial of the State shall determine the single ad-
 17 vanced voting system to be used to replace the
 18 applicable voting systems in the State under
 19 this subsection.

20 (c) REQUIREMENT OF MATCHING FUNDS.—A State
 21 that receives a grant under this section shall agree to ex-
 22 pend State or local funds in an amount equal to 20 per-
 23 cent of the amount of the grant for any purpose for which
 24 the grant was awarded.

25 (d) DISBURSEMENT OF FUNDS.—

1 (1) IN GENERAL.—Not later than 30 days after
2 the date of enactment of this Act, the Commission
3 shall make grants to eligible States in accordance
4 with this subsection.

5 (2) AMOUNT OF GRANT AWARDS.—For pur-
6 poses of making grants under this subsection, the
7 Commission shall allocate to each eligible State an
8 amount that bears the same ratio to the total
9 amount allocated under this section as—

10 (A) the number of applicable voting sys-
11 tems in use in the eligible State; bears to

12 (B) the total number of such systems in
13 use in all eligible States receiving grants under
14 this section.

15 (3) STATES.—

16 (A) REQUIREMENTS.—Not later than 90
17 days after a grant is received under this sub-
18 section, the State election official shall—

19 (i) notify local election officials of the
20 grant availability and the requirements of
21 the grant; and

22 (ii) expeditiously disburse such pro-
23 ceeds to eligible local voting areas for use
24 under this section.

1 (B) FORMULA.—The State election official
 2 shall disburse to each eligible local voting area
 3 an amount that bears the same ratio to the
 4 total amount the State receives under this sec-
 5 tion as—

6 (i) the total number of applicable vot-
 7 ing systems in use in the eligible local vot-
 8 ing area; bears to

9 (ii) the total number of such systems
 10 in use in all local voting areas in the State.

11 (4) DETERMINATION OF NUMBER OF APPLICA-
 12 BLE VOTING SYSTEMS.—

13 (A) IN GENERAL.—Except as provided in
 14 subparagraph (B), the number of applicable
 15 voting systems in a State or local voting area
 16 shall be determined in such manner as the
 17 Commission determines reasonable.

18 (B) PAPER BALLOT.—In the case of an ap-
 19 plicable voting system that is a paper ballot, the
 20 number shall be an amount equal to the num-
 21 ber of registered voters in the State or local
 22 voting area using the paper ballot, as applica-
 23 ble, divided by 200.

24 (e) OPT-OUT PROVISION.—An eligible State may opt
 25 to not receive any amount under this section if, not later

1 than 30 days after the date of enactment of this Act, the
2 State notifies the Commission that the State does not
3 want to receive a grant under this section.

4 (f) DEFINITIONS.—In this section:

5 (1) ADVANCED VOTING SYSTEM.—The term
6 “advanced voting system” means a system that—

7 (A) does not allow for overvotes;

8 (B) significantly reduces undervotes from
9 voter error (such as by indicating any office on
10 the ballot for which the voter has not cast a
11 vote);

12 (C) provides a record of a ballot cast;

13 (D) significantly reduces recount error in
14 comparison to the system being replaced; and

15 (E) ensures accessibility to voters with dis-
16 abilities.

17 (2) APPLICABLE VOTING SYSTEM.—The term
18 “applicable voting system” means—

19 (A) a lever machine;

20 (B) a punchcard system; or

21 (C) a paper ballot.

22 (3) ELIGIBLE LOCAL VOTING AREA.—The term
23 “eligible local voting area” means a local voting area
24 that—

25 (A) uses an applicable voting system; and

1 (B) not later than 30 days after the date
2 the area receives notification of grant avail-
3 ability under subsection (d)(3)(A), notifies the
4 State election official of the acceptance of the
5 grant.

6 (4) ELIGIBLE STATE.—The term “eligible
7 State” means a State that has a local voting area
8 that uses an applicable voting system.

9 (5) LEVER MACHINE.—The term “lever ma-
10 chine” means a voting device that employs a lever to
11 cast a vote for a candidate from a list of candidates
12 posted on a ballot and records the vote by advancing
13 a counting mechanism.

14 (6) LOCAL VOTING AREA.—The term “local vot-
15 ing area” means the unit of local government in a
16 State for which a local agency is responsible for ad-
17 ministering elections and the purchase and mainte-
18 nance of voting equipment, such as a county.

19 (7) PAPER BALLOT.—The term “paper ballot”
20 means a method of voting that employs a paper
21 ballot—

22 (A) that is counted by hand;

23 (B) containing all choices for the offices in
24 the election;

1 (C) on which the voter casts a vote by
2 marking the ballot; and

3 (D) the results of which are confidential.

4 (8) PUNCHCARD SYSTEM.—The term “punch-
5 card system” means a voting device, such as the
6 Votomatic machine, that employs a stylus which
7 punches through the ballot to record a vote.

8 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated, and there is appropriated,
10 \$1,000,000,000 to carry out the provisions of this section.

11 **SEC. 3. MILITARY VOTING PROVISIONS.**

12 (a) GUARANTEE OF RESIDENCY.—Article VII of the
13 Soldiers’ and Sailors’ Civil Relief Act of 1940 (50 U.S.C.
14 590 et seq.) is amended by adding at the end the fol-
15 lowing:

16 “SEC. 704. (a) For purposes of voting for an office
17 of the United States or of a State, a person who is absent
18 from a State in compliance with military or naval orders
19 shall not, solely by reason of that absence—

20 “(1) be deemed to have lost a residence or
21 domicile in that State;

22 “(2) be deemed to have acquired a residence or
23 domicile in any other State; or

24 “(3) be deemed to have become resident in or
25 a resident of any other State.

1 “(b) In this section, the term ‘State’ includes a terri-
 2 tory or possession of the United States, a political subdivi-
 3 sion of a State, territory, or possession, and the District
 4 of Columbia.”.

5 (b) STATE RESPONSIBILITY TO GUARANTEE MILI-
 6 TARY VOTING RIGHTS.—

7 (1) REGISTRATION AND BALLOTING.—Section
 8 102 of the Uniformed and Overseas Citizens Absen-
 9 tee Voting Act (42 U.S.C. 1973ff-1) is amended—

10 (A) by inserting “(a) ELECTIONS FOR
 11 FEDERAL OFFICES.—” before “Each State
 12 shall—”; and

13 (B) by adding at the end the following:

14 “(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—
 15 Each State shall—

16 “(1) permit absent uniformed services voters to
 17 use absentee registration procedures and to vote by
 18 absentee ballot in general, special, primary, and run-
 19 off elections for State and local offices; and

20 “(2) accept and process, with respect to any
 21 election described in paragraph (1), any otherwise
 22 valid voter registration application from an absent
 23 uniformed services voter if the application is received
 24 by the appropriate State election official not less
 25 than 30 days before the election.”.

1 (2) CONFORMING AMENDMENT.—The heading
2 for title I of such Act is amended by striking “**FOR**
3 **FEDERAL OFFICE**”.

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