

108TH CONGRESS
1ST SESSION

H. R. 1510

To amend the Help America Vote Act of 2002 to require States to permit individuals to register to vote at polling places on the date of an election, to cast ballots at designated polling places prior to the date of an election, and to obtain absentee ballots for an election for any reason, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 31, 2003

Mr. HASTINGS of Florida (for himself, Mr. WYNN, Ms. JACKSON-LEE of Texas, Ms. CORRINE BROWN of Florida, Mr. FRANK of Massachusetts, Ms. NORTON, Mr. OWENS, Ms. LEE, Mr. DAVIS of Illinois, Mr. CASE, Mr. STARK, Ms. WOOLSEY, Mr. MCGOVERN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEK of Florida, Mr. SANDERS, Mrs. JONES of Ohio, and Ms. MCCOLLUM) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Government Reform, and Education and the Workforce, 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

A BILL

To amend the Help America Vote Act of 2002 to require States to permit individuals to register to vote at polling places on the date of an election, to cast ballots at designated polling places prior to the date of an election, and to obtain absentee ballots for an election for any reason, 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 “Voter Outreach and
5 Turnout Expansion Act of 2003”.

6 **TITLE I—EXPANSION OF ELEC-**
7 **TION ADMINISTRATION RE-**
8 **QUIREMENTS**

9 **SEC. 101. SAME-DAY VOTER REGISTRATION.**

10 (a) IN GENERAL.—Section 303 of the Help America
11 Vote Act of 2002 (42 U.S.C. 15483) is amended—

12 (1) by redesignating subsection (d) as sub-
13 section (e); and

14 (2) by inserting after subsection (c) the fol-
15 lowing new subsection:

16 “(d) PERMITTING VOTER REGISTRATION ON DATE
17 OF ELECTION.—

18 “(1) IN GENERAL.—At each polling place in a
19 State at which ballots are cast in an election for
20 Federal office, an individual may register to vote on
21 the date of the election, and may cast a vote at the
22 polling place in the election, if the individual—

23 “(A) completes an application for voter
24 registration in accordance with the require-
25 ments of this Act and other applicable law; and

1 “(B) executes a written affirmation before
2 an election official at the polling place stating
3 that the individual is eligible to register to vote
4 in the jurisdiction in which the individual de-
5 sires to vote and has not already voted in the
6 election.

7 “(2) TRANSMITTAL OF COMPLETED APPLICA-
8 TIONS TO STATE ELECTION OFFICIAL.—An appro-
9 priate official at a polling place shall transmit any
10 voter registration application accepted under this
11 subsection to the appropriate State election official
12 at the time the official at the polling place transmits
13 the ballots cast at the polling place to the official.

14 “(3) NOTICE TO INDIVIDUALS FILING VOTER
15 REGISTRATION APPLICATIONS AFTER DEADLINE.—If
16 an individual’s application for voter registration
17 prior to the date of an election is received by the ap-
18 propriate election official after the deadline for re-
19 ceipt of applications with respect to the election
20 under State law, the official shall transmit a notice
21 to the individual stating that the application was re-
22 ceived after the deadline and that the individual may
23 register to vote at the polling place on the date of
24 the election in accordance with this subsection.

1 “(4) REQUIREMENTS UNDER NATIONAL VOTER
2 REGISTRATION ACT OF 1993.—In carrying out this
3 subsection, a polling place in a State shall meet the
4 requirements applicable to a voter registration agen-
5 cy designated by the State under section 7(a)(2) of
6 the National Voter Registration Act of 1993 (42
7 U.S.C. 1973gg–5(a)(2)), except that clauses (i), (ii),
8 and (iii) of section 7(a)(6)(B) of such Act (42
9 U.S.C. 1973gg–5(a)(6)(B)) shall not apply with re-
10 spect to any of the voter registration forms distrib-
11 uted by the polling place pursuant to this sub-
12 section.”.

13 (b) INCLUSION IN VOTING INFORMATION REQUIRE-
14 MENTS.—Section 302(b)(2) of such Act (42 U.S.C.
15 14582(b)(2)) is amended—

16 (1) in subparagraph (E), by inserting “and the
17 right to register to vote at the polling place on the
18 date of an election and vote in that election” after
19 “provisional ballot”;

20 (2) by redesignating subparagraphs (E) and
21 (F) as subparagraphs (F) and (G); and

22 (3) by inserting after subparagraph (D) the fol-
23 lowing new subparagraph:

1 “(E) instructions for individuals reg-
2 istering to vote at the polling place under sec-
3 tion 303(d);”.

4 (c) EFFECTIVE DATE.—Section 303(e) of such Act
5 (42 U.S.C. 15483(e)), as redesignated by subsection (a),
6 is amended by adding at the end the following new para-
7 graph:

8 “(3) REQUIREMENT FOR VOTER REGISTRATION
9 ON DATE OF ELECTION.—Each State and jurisdic-
10 tion shall be required to comply with the require-
11 ments of subsection (d) on and after January 1,
12 2004.”.

13 **SEC. 102. PERMITTING VOTERS TO CAST BALLOTS PRIOR**
14 **TO ELECTION; PERMITTING VOTERS TO OB-**
15 **TAIN ABSENTEE BALLOTS FOR ANY REASON.**

16 (a) IN GENERAL.—The Help America Vote Act of
17 2002 is amended—

18 (1) by redesignating sections 304 and 305 as
19 sections 305 and 306; and

20 (2) by inserting after section 303 the following
21 new section:

22 **“SEC. 304. PROMOTING EARLY AND ABSENTEE VOTING.**

23 “(a) REQUIRING JURISDICTIONS TO ESTABLISH
24 EARLY VOTING SITES.—

1 “(1) IN GENERAL.—Each jurisdiction in a
2 State which administers an election for Federal of-
3 fice shall designate early voting sites within the ju-
4 risdiction to serve as polling places for the election
5 prior to the date of the election, and shall permit
6 any individual who is registered to vote in the elec-
7 tion and eligible to cast a ballot at any polling place
8 within the jurisdiction to cast the ballot at the site.

9 “(2) TREATMENT OF BALLOTS CAST AT
10 SITES.—After a ballot is cast for an election at an
11 early voting site under this subsection, the ballot
12 shall be held and tabulated by the jurisdiction in the
13 same manner as an absentee ballot cast for the elec-
14 tion.

15 “(3) PERIOD OF OPERATION.—The jurisdiction
16 shall operate the early voting sites designated under
17 this subsection for an election during such period as
18 it considers appropriate, except that—

19 “(A) the period may not begin later than
20 the 22nd day before the date of the election or
21 the date on which the ballots for the election
22 are available to be cast (whichever occurs later);
23 and

24 “(B) at least 2 of the days during the pe-
25 riod shall be weekend days.

1 “(4) CONDITIONS FOR DESIGNATION AND DIS-
2 TRIBUTION OF SITES.—The number of early voting
3 sites of a jurisdiction and the location of such sites
4 within the jurisdiction shall be determined by the ju-
5 risdiction, subject to the following conditions:

6 “(A) To the greatest extent practicable,
7 the jurisdiction shall designate sites which are
8 also designated as voter registration agencies
9 under section 7 the National Voter Registration
10 Act of 1993 (42 U.S.C. 1973gg-5).

11 “(B) The aggregate number of voting sys-
12 tems used in all such sites in the jurisdiction
13 may not be less than 25 percent of the total
14 number of voting systems which will be used in
15 all polling places in the jurisdiction on the date
16 of the election.

17 “(C) At least one of the sites selected, and
18 the voting system used at such site, shall be ac-
19 cessible for individuals with disabilities (includ-
20 ing the blind and visually impaired).

21 “(D) The geographic distribution of the
22 sites shall reflect the geographic distribution of
23 the voting age population of the jurisdiction.

24 “(E) In establishing sites, the jurisdiction
25 shall comply with the applicable requirements of

1 the Voting Rights Act of 1965 (42 U.S.C. 1973
2 et seq.).

3 “(b) PERMITTING VOTERS TO OBTAIN ABSENTEE
4 BALLOTS FOR ANY REASON.—No State election official
5 may require an individual who requests an absentee ballot
6 for an election to provide a reason for the request, or to
7 otherwise provide any proof of the individual’s need for
8 an absentee ballot, as a condition of obtaining the ballot.”.

9 (b) CONFORMING AMENDMENTS.—

10 (1) DEADLINE FOR ADOPTION OF VOLUNTARY
11 GUIDANCE BY ELECTION ASSISTANCE COMMIS-
12 SION.—Section 311(b) of such Act (42 U.S.C.
13 15501(b)) is amended—

14 (A) by striking “and” at the end of para-
15 graph (2);

16 (B) by striking the period at the end of
17 paragraph (3) and inserting “; and”; and

18 (C) by adding at the end the following new
19 paragraph:

20 “(4) in the case of recommendations with re-
21 spect to section 304, January 1, 2004.”.

22 (2) ENFORCEMENT.—Section 401 of such Act
23 (42 U.S.C. 15511) is amended by striking “and
24 303” and inserting “303, and 304”.

1 (c) CLERICAL AMENDMENT.—The table of sections
2 for subtitle A of title III of such Act is amended—

3 (1) by redesignating the items relating to sec-
4 tions 304 and 305 as items relating to sections 305
5 and 306; and

6 (2) by inserting after the item relating to sec-
7 tion 303 the following new item:

“Sec. 304. Promoting early and absentee voting.”.

8 **SEC. 103. CLARIFICATION OF REQUIREMENT TO PERMIT IN-**
9 **DIVIDUALS TO COMPLETE INCOMPLETE**
10 **MAIL-IN VOTER REGISTRATION APPLICA-**
11 **TIONS.**

12 Section 303(b)(4)(B) of the Help America Vote Act
13 of 2002 (42 U.S.C. 15483(b)(4)(B)) is amended to read
14 as follows:

15 “(B) INCOMPLETE FORMS.—If an appli-
16 cant for voter registration with respect to an
17 election fails to answer any of the questions in-
18 cluded on the mail voter registration form pur-
19 suant to subparagraph (A), or otherwise fails to
20 provide any information required to be provided
21 on the form, the registrar shall—

22 “(i) notify the applicant of the failure
23 and of the opportunity for the applicant to
24 register to vote at the polling place on the

1 date of the election in accordance with sub-
2 section (d); and

3 “(ii) if the form was received by the
4 registrar within the deadline under State
5 law for the receipt of voter registration ap-
6 plications with respect to the election, pro-
7 vide the applicant with an opportunity to
8 complete the form in a timely manner to
9 allow for the completion of the registration
10 form prior to the election.”.

11 **SEC. 104. ADDITIONAL FUNDING.**

12 Section 257(a) of the Help America Vote Act of 2002
13 (42 U.S.C. 15407(a)) is amended—

14 (1) in paragraph (1), by striking
15 “\$1,400,000,000” and inserting “\$1,405,000,000”;

16 (2) in paragraph (2), by striking
17 “\$1,000,000,000” and inserting “\$1,005,000,000”;

18 and

19 (3) in paragraph (3), by striking
20 “\$600,000,000” and inserting “\$605,000,000”.

21 **SEC. 105. EFFECTIVE DATE.**

22 The amendments made by this title shall take effect
23 as if included in the enactment of the Help America Vote
24 Act of 2002.

1 **TITLE II—REMOVING OTHER**
2 **BARRIERS TO VOTING**

3 **SEC. 201. TREATMENT OF ELECTION DAY IN SAME MANNER**
4 **AS VETERANS DAY FOR PURPOSES OF FED-**
5 **ERAL EMPLOYMENT.**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that—

8 (1) many Americans do not vote on Election
9 Day because of conflicting work schedules;

10 (2) Federal, State, and local governments
11 should share the responsibility for increasing voter
12 turnout on Election Day;

13 (3) States should establish Election Day as a
14 legal public holiday in each year and should provide
15 full paid leave for State government employees on
16 Election Day; and

17 (4) the treatment of Election Day in the same
18 manner as Veterans Day for purposes of laws relat-
19 ing to Federal employment will lead to increased
20 voter turnout and will increase the availability of poll
21 workers and suitable polling places.

22 (b) TREATMENT OF ELECTION DAY IN SAME MAN-
23 NER AS VETERANS DAY FOR PURPOSES OF FEDERAL EM-
24 PLOYMENT.—For purposes of any law relating to Federal
25 employment, the Tuesday next after the first Monday in

1 November in 2004 and each even-numbered year there-
2 after shall be treated in the same manner as November
3 11.

4 **SEC. 202. VOTING LEAVE.**

5 (a) IN GENERAL.—Each employee of an employer
6 may take up to 2 hours of leave (or up to 3 hours of leave,
7 in the case of an employee whose workplace is further than
8 25 miles from the polling place at which the employee is
9 eligible to cast a ballot under State law) in order to vote
10 on any workday on which an election for Federal office
11 is held.

12 (b) UNPAID OR PAID LEAVE PERMITTED.—Notwith-
13 standing any other provision of law, leave granted under
14 this subsection may be unpaid leave or paid leave.

15 (c) DUTIES OF EMPLOYEE.—An employee taking
16 leave under this subsection shall make a reasonable effort
17 to schedule the leave so as not to disrupt unduly the oper-
18 ations of the employer, shall provide such notice prior to
19 taking leave as is practicable, and shall make a reasonable
20 effort to vote.

21 (d) NO LOSS OF BENEFITS.—The taking of leave
22 under this subsection shall not result in the loss of any
23 employment benefit accrued prior to the date on which the
24 leave commenced.

25 (e) PROHIBITED ACTS.—

1 (1) EXERCISE OF RIGHTS.—It shall be unlawful
2 for any employer to interfere with, restrain, or deny
3 the taking of or the attempt to take any leave pro-
4 vided under this subsection.

5 (2) DISCRIMINATION.—It shall be unlawful for
6 any employer to discharge or in any other manner
7 discriminate against any individual for—

8 (A) opposing any practice made unlawful
9 by this subsection;

10 (B) filing any charge, or instituting or
11 causing to be instituted any proceeding, under
12 or related to this subsection;

13 (C) giving or preparing to give any infor-
14 mation in connection with any inquiry or pro-
15 ceeding relating to any leave provided under
16 this subsection; or

17 (D) testifying or preparing to testify in
18 any inquiry or proceeding relating to any leave
19 provided under this subsection.

20 (f) INVESTIGATIVE AUTHORITY.—The Secretary of
21 Labor shall have investigative authority with respect to the
22 provisions of this subsection in the same manner and
23 under the same terms and conditions as the investigative
24 authority provided under section 106 of the Family and
25 Medical Leave Act of 1993, and the requirements of sec-

1 tion 106 of such Act shall apply to employers under this
2 subsection in the same manner as such requirements apply
3 to employers under section 106 of such Act.

4 (g) ENFORCEMENT.—The provisions of section 107
5 of the Family and Medical Leave Act of 1993 shall apply
6 with respect to the enforcement of the requirements of this
7 subsection in the same manner and under the same terms
8 and conditions as such provisions apply with respect to
9 the enforcement of the requirements of title I of such Act.

10 (h) EMPLOYER DEFINED.—In this section, the term
11 “employer” means any person engaged in commerce or in
12 any industry or activity affecting commerce who employs
13 25 or more employees during a calendar year, and includes
14 any person who acts, directly or indirectly, in the interest
15 of an employer to any of the employees of such employer
16 and any successor in interest of an employer. In the pre-
17 vious sentence, the terms “commerce” and “industry or
18 activity affecting commerce” have the meaning given such
19 terms in section 101(1) of the Family and Medical Leave
20 Act of 1993.

21 (i) NONDISCRIMINATION.—The implementation and
22 enforcement of this section shall be in compliance with the
23 Voting Rights Act of 1965.

24 (j) EFFECTIVE DATE.—This section shall apply with
25 respect to elections occurring after January 2004.

1 **SEC. 203. SENSE OF CONGRESS REGARDING DISTRIBUTION**
2 **OF SAMPLE BALLOTS AND VOTING MATE-**
3 **RIALS.**

4 It is the sense of Congress that the distribution of
5 sample ballots, information on voting, and other voter edu-
6 cation materials will help to prevent errors by voters at
7 the polls and to reduce the rates of spoiled ballots, and
8 Congress encourages States and other jurisdictions which
9 administer elections to distribute these materials to reg-
10 istered voters prior to elections.

○