

PROVIDING FOR CONSIDERATION OF H.R. 3295, HELP
AMERICA VOTE ACT OF 2001

DECEMBER 11, 2001.—Referred to the House Calendar and ordered to be printed

Mr. REYNOLDS, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 311]

The Committee on Rules, having had under consideration House Resolution 311, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration in the House of H.R. 3295, the Help America Vote Act of 2001, under a closed rule. The rule provides one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration.

The rule waives all points of order against consideration of the bill. This includes a waiver of clause 4(a) of rule XIII requiring a three-day layover of the committee report.

The rule provides that the amendment recommended by the Committee on House Administration now printed in the bill, modified by the amendment printed in this report, shall be considered as adopted.

Finally, the rule provides one motion to recommit with or without instructions.

COMMITTEE VOTES

Pursuant to clause 3(b) of House rule XIII the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 61

Date: December 11, 2001.

Measure: H.R. 3295.

Motion by: Mr. Frost.

Summary of motion: To make in order the amendment in the nature of a substitute offered by Mr. Menendez, which amends section 502(2)(A) to specify that voters may only be purged from the rolls consistent with the National Voter Registration Act of 1993. Strikes Section 902(a). Requires provisional voting for every voter, except in states with mail in voting. If a voter's name does not appear on the rolls, an election official at the polling place must notify the voter that a provisional ballot may be cast upon written affirmation, the ballot must be transferred to the appropriate State or local election official for prompt verification and tabulation, and the voter must be notified of the disposition and treatment of the vote. Requires that all voting systems and polling places must be accessible for disabled voters and voters with special needs, and provides those voters with the same opportunity for access and participation as other voters. Requires alternative language accessibility for those with limited proficiency in English, by 2006. Requires that a state's error rate does not exceed the determined voting systems error rate standard by 2006. Requires the Attorney General to verify that the state certification is accurate and to enforce the minimum standards. Adds a new section 504, entitled Technical Specifications and Guidelines, that specifies that accessibility requirements of voting systems and polling places must be developed by the Architectural and Transportation Barrier Compliance Board, in consultation with the Election Assistance Commission and the Office of Civil Rights of the Department of Justice, which must develop provisional voting requirements, alternative language accessibility requirements, correction of errors in voting systems requirements, and voting error standards. Requires that these specifications and guidelines must be developed no later than one year after the enactment of this legislation. Requires that the minimum standards must apply no later than January 1, 2006.

Results: Defeated 3 to 7.

Vote by Members: Goss—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 62

Date: December 11, 2001.

Measure: H.R. 3295.

Motion by: Mr. Hastings of Florida.

Summary of motion: To make in order the Hastings of Florida amendment to amend the bill's section on minimum national standards to include full accessibility to polling places, as well as full accessibility to technology, for people with disabilities as a requirement for states to receive money. States must meet voluntary minimum standards to receive any funding.

Results: Defeated 3 to 7.

Vote by Members: Goss—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; Hastings (FL)—Yea; Dreier—Nay.

SUMMARY OF AMENDMENT TO BE CONSIDERED AS ADOPTED

(Summaries derived from information provided by sponsors.)

Ney—Manager's Amendment. Requires jurisdictions receiving funds under the punch card replacement program to "consider the

use of new technology by individuals with disabilities (including blindness).” Specifies that the term “physical disabilities” includes blindness. Clarifies the Commission structure to demonstrate that the Election Assistance Commission (EAC) consists of the 4 members appointed by the President and in addition the Advisory Board and the Standards Board. Changes the appointment to the standards board from the chief state election official to a selected state election official. Requires states receiving funds to report to the EAC on how they were spent. Allows a single absentee ballot application from a military or overseas voter to suffice as an application for each subsequent election in the state, through the next 2 general federal elections. Requires states procuring new voting machines within their jurisdiction to ensure that they allow for second chance voting. Requires overseas and military voter participation to be separately reported. Strikes Title 7, which allowed official election mail to be mailed at 50% of the first class rate. Inserts the term “either” in section 902, to clarify that a voter can only be removed from the registration rolls after the voter has both failed to vote in two consecutive elections for federal office, and not responded to a notice.

TEXT OF AMENDMENT TO BE CONSIDERED AS ADOPTED UNDER THE
RULE

In section 102(a)(2), strike the semicolon and insert the following: “, and will consider the use of new technology by individuals with disabilities (including blindness)”.

Amend section 201 to read as follows:

SEC. 201. ESTABLISHMENT.

There is hereby established as an independent entity in the executive branch the Election Assistance Commission (hereafter in this title referred to as the “Commission”), consisting of the members appointed under this part. Additionally, there is established the Election Assistance Commission Standards Board (including the Executive Board of such Board) under part 2 and the Election Assistance Commission Board of Advisors under part 2.

In section 202(2), strike the semicolon and insert the following: “, and providing information and training on the management of the grants provided under such subtitle;”.

Amend section 213(a)(1)(A) to read as follows:

(A) 55 shall be State election officials selected by the chief State election officials of each State.

In section 213(b)(1)—

(1) in the matter preceding subparagraph (A), strike “a State” and insert “the chief State election official of the State”; and

(2) in subparagraph (A), strike “the chief State election official of the State” and insert “the selected State election official”.

In section 213(b)(2), strike “chief election official” and insert “selected State election official”.

In section 213(c)(1)(A), strike “chief”.

In section 221(a)(1)(D), insert “(including blindness)” after “disabilities”.

In the second sentence of section 221(a)(4), insert “(including blindness)” after “disabilities”.

In section 231(b)(8), insert “(including blindness)” after “disabilities”.

In section 233(a)(4), insert “(including blindness)” after “disabilities” each place it appears in subparagraphs (A) and (B).

Add at the end of part 1 of subtitle C of title II the following new section (and conform the table of contents accordingly):

SEC. 235. REPORTS.

Not later than the 6 months after the end of each fiscal year for which a State received an Election Fund payment under this part, the State shall submit a report to the Commission on the activities conducted with the funds provided during the year, and shall include in the report—

(1) a list of expenditures made with respect to each category of activities described in section 231(b); and

(2) the number and type of articles of voting equipment obtained with the funds.

In section 261(e)(4), insert “(including blindness)” after “disabilities”.

In section 262(b), insert “(including blindness)” after “disabilities”.

In section 502(1), strike “a Statewide” and insert “an official Statewide”.

In section 502(6), insert “(including blindness)” after “disabilities”.

In the second sentence of section 502(7), strike “replacing all voting machines within their jurisdiction” and insert the following: “procuring new voting machines within their jurisdiction, except for States and units replacing or supplementing existing equipment (within the same voting system).”.

In section 104 of the Uniformed and Overseas Citizens Absentee Voting Act, as proposed to be amended by section 604(b) of the bill—

(1) in subsection (a), strike “an application for” and all that follows and insert the following: “an application for an absentee ballot for each subsequent election for Federal office held in the State through the next 2 regularly scheduled general elections for Federal office (including any runoff elections which may occur as a result of the outcome of such general elections), the State shall provide an absentee ballot for each such election.”; and

(2) in subsection (c)(1), strike “during a year” and insert “for which the voter may be provided an absentee ballot under subsection (a)”.

Amend section 605(c) to read as follows:

(c) PROVIDING STATISTICAL ANALYSIS OF VOTER PARTICIPATION FOR BOTH OVERSEAS VOTERS AND ABSENT UNIFORMED SERVICES VOTERS.—Section 101(b)(6) of such Act (42 U.S.C. 1973ff(b)(6)) is amended by striking “a general assessment” and inserting “a separate statistical analysis”.

Strike title VII (and redesignate the succeeding provisions and conform the table of contents accordingly).

In the matter proposed to be inserted in section 8(b)(2) of the National Voter Registration Act of 1993 by section 902(a) of the bill, strike “has not notified” and insert “has not either notified”.

