

103D CONGRESS  
1ST SESSION

# H. R. 2

To establish national voter registration procedures for Federal elections, and  
for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 17 (legislative day, JANUARY 5), 1993

Received; read twice and referred to the Committee on Rules and  
Administration

MARCH 17, (legislative day, MARCH 3), 1993  
Committee discharged

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## AN ACT

To establish national voter registration procedures for  
Federal 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 “National Voter Reg-  
5       istration Act of 1993”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7       (a) FINDINGS.—The Congress finds that—

8           (1) the right of citizens of the United States to  
9       vote is a fundamental right;

4 (3) discriminatory and unfair registration laws  
5 and procedures can have a direct and damaging ef-  
6 fect on voter participation in elections for Federal  
7 office and disproportionately harm voter participa-  
8 tion by various groups, including racial minorities.

9 (b) PURPOSES.—The purposes of this Act are—

10 (1) to establish procedures that will increase  
11 the number of eligible citizens who register to vote  
12 in elections for Federal office;

19 (4) to ensure that accurate and current voter  
20 registration rolls are maintained.

## 21 SEC. 3. DEFINITIONS.

22 As used in this Act—

23 (1) the term "election" has the meaning stated  
24 in section 301(1) of the Federal Election Campaign  
25 Act of 1971 (2 U.S.C. 431(1));

12 SEC. 4. NATIONAL PROCEDURES FOR VOTER REGIS-  
13 TATION FOR ELECTIONS FOR FEDERAL OFFICE.

14 (a) IN GENERAL.—Except as provided in subsection  
15 (b), notwithstanding any other Federal or State law, in  
16 addition to any other method of voter registration pro-  
17 vided for under State law, each State shall establish pro-  
18 cedures to register to vote in elections for Federal office—

19 (1) by application made simultaneously with an  
20 application for a motor vehicle driver's license pursu-  
21 ant to section 5;

22 (2) by mail application pursuant to section 6;  
23 and

24 (3) by application in person—

4 (B) at a Federal, State, or nongovern-  
5 mental office designated under section 7.

6 (b) NONAPPLICABILITY TO CERTAIN STATES.—This  
7 Act does not apply to a State described in either or both  
8 of the following paragraphs:

15 SEC. 5. SIMULTANEOUS APPLICATION FOR VOTER REG-  
16 ISTRATION AND APPLICATION FOR MOTOR  
17 VEHICLE DRIVER'S LICENSE.

18 (a) IN GENERAL.—(1) Except as provided in sub-  
19 section (b), each State motor vehicle driver's license appli-  
20 cation (including any renewal application) submitted to  
21 the appropriate State motor vehicle authority under State  
22 law shall serve as an application for voter registration with  
23 respect to elections for Federal office.

1       (2) An application for voter registration submitted  
2 under paragraph (1) shall be considered as updating any  
3 previous voter registration by the applicant.

4       (b) DECLINATION TO REGISTER.—(1) An applicant  
5 for a State motor vehicle driver's license may decline in  
6 writing to be registered by means of the motor vehicle  
7 driver's license application.

8       (2) No information relating to a declination pursuant  
9 to paragraph (1) may be used for any purpose other than  
10 voter registration.

11       (c) FORMS AND PROCEDURES.—(1) Each State shall  
12 include a voter registration application form for elections  
13 for Federal office as part of an application for a State  
14 motor vehicle driver's license.

15       (2) The voter registration application portion of an  
16 application for a State motor vehicle driver's license—

17           (A) may not require any information that dupli-  
18 cates information required in the driver's license  
19 portion of the form (other than a second signature  
20 or other information necessary under subparagraph  
21 (C));

22           (B) shall include a means by which an applicant  
23 may decline to register to vote pursuant to sub-  
24 section (b);

1 (C) may require only the minimum amount of  
2 information necessary to—

3 (i) prevent duplicate voter registrations;

4 and

9 (D) shall include a statement that—

10 (i) states each eligibility requirement (in-  
11 cluding citizenship);

12 (ii) contains an attestation that the appli-  
13 cant meets each such requirement; and

16 (E) shall be made available (as submitted by  
17 the applicant, or in machine readable or other for-  
18 mat) to the appropriate State election official as pro-  
19 vided by State law.

20 (d) CHANGE OF ADDRESS.—Any change of address  
21 form submitted in accordance with State law for purposes  
22 of a State motor vehicle driver's license shall serve as noti-  
23 fication of change of address for voter registration with  
24 respect to elections for Federal office for the registrant

1 involved unless the registrant states on the form that the  
2 change of address is not for voter registration purposes.

3 **SEC. 6. MAIL REGISTRATION.**

4 (a) FORM.—(1) Each State shall accept and use the  
5 mail voter registration application form prescribed by the  
6 Federal Election Commission pursuant to section 9(a)(2)  
7 for the registration of voters in elections for Federal office.

8 (2) In addition to accepting and using the form de-  
9 scribed in paragraph (1), a State may develop and use  
10 a mail voter registration form that meets all of the criteria  
11 stated in section 9(b) for the registration of voters in elec-  
12 tions for Federal office.

13 (3) A form described in paragraph (1) or (2) shall  
14 be accepted and used for notification of a registrant's  
15 change of address.

16 (b) AVAILABILITY OF FORMS.—The chief State elec-  
17 tion official of a State shall make the forms described in  
18 subsection (a) available for distribution through govern-  
19 mental and private entities, with particular emphasis on  
20 making them available for organized voter registration  
21 programs.

22 (c) FIRST-TIME VOTERS.—(1) Subject to paragraph  
23 (2), a State may by law require a person to vote in person  
24 if—

3 (B) the person has not previously voted in that  
4 jurisdiction.

5 (2) Paragraph (1) does not apply in the case of a  
6 person—

7 (A) who is entitled to vote by absentee ballot  
8 under the Uniformed and Overseas Citizens Absen-  
9 tee Voting Act (42 U.S.C. 1973ff-1 et seq.);

10 (B) who is provided the right to vote otherwise  
11 than in person under section 3(b)(2)(B)(ii) of the  
12 Voting Accessibility for the Elderly and Handi-  
13 capped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or

14 (C) who is entitled to vote otherwise than in  
15 person under any other Federal law.

## 16 SEC. 7. VOTER REGISTRATION AGENCIES.

17 (a) DESIGNATION.—(1) Each State shall designate  
18 agencies for the registration of voters in elections for Fed-  
19 eral office.

20 (2) Each State shall designate as voter registration  
21 agencies—

22 (A) all offices in the State that provide public  
23 assistance, unemployment compensation, or related  
24 services: and

4 (3)(A) In addition to voter registration agencies des-  
5 ignated under paragraph (2), each State shall designate  
6 other offices within the State as voter registration agen-  
7 cies.

8       (B) Voter registration agencies designated under sub-  
9 paragraph (A) may include—

19 (4)(A) At each voter registration agency, the follow-  
20 ing services shall be made available:

21 (i) Distribution of mail voter registration appli-  
22 cation forms in accordance with paragraph (6).  
23 (ii) Assistance to applicants in completing voter  
24 registration application forms.

4 (B) If a voter registration agency designated under  
5 paragraph (2)(B) provides services to a person with a dis-  
6 ability at the person's home, the agency shall provide the  
7 services described in subparagraph (A) at the person's  
8 home.

9           (5) A person who provides service described in para-  
10 graph (4) shall not—

11 (A) seek to influence an applicant's political  
12 preference or party registration;

13 (B) display any such political preference or  
14 party allegiance; or

15 (C) make any statement to an applicant or take  
16 any action the purpose or effect of which is to dis-  
17 courage the applicant from registering to vote.

18 (6) A voter registration agency that is an office that  
19 provides service or assistance in addition to conducting  
20 voter registration shall—

(i) the mail voter registration application form described in section 9(a)(2), including a statement that—

(I) specifies each eligibility requirement (including citizenship);

(II) contains an attestation that the applicant meets each such requirement; and

(III) requires the signature of the applicant, under penalty of perjury; or

11 (ii) the office's own form if it is equivalent  
12 to the form described in section 9(a)(2),

13       unless the applicant, in writing, declines to register  
14       to vote;

1        (7) No information relating to a declination to reg-  
2 ister to vote in connection with an application made at  
3 an office described in paragraph (6) may be used for any  
4 purpose other than voter registration.

5        (b) FEDERAL GOVERNMENT AND PRIVATE SECTOR  
6 COOPERATION.—All departments, agencies, and other en-  
7 tities of the executive branch of the Federal Government  
8 shall, to the greatest extent practicable, cooperate with the  
9 States in carrying out subsection (a), and all nongovern-  
10 mental entities are encouraged to do so.

11       (c) TRANSMITTAL DEADLINE.—(1) Subject to para-  
12 graph (2), a completed registration application accepted  
13 at a voter registration agency shall be transmitted to the  
14 appropriate State election official not later than 10 days  
15 after the date of acceptance.

16       (2) If a registration application is accepted within 5  
17 days before the last day for registration to vote in an elec-  
18 tion, the application shall be transmitted to the appro-  
19 priate State election official not later than 5 days after  
20 the date of acceptance.

21 **SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRA-  
22 TION OF VOTER REGISTRATION.**

23       (a) IN GENERAL.—In the administration of voter  
24 registration for elections for Federal office, each State  
25 shall—

10 (B) in the case of registration by mail  
11 under section 6, if the valid voter registration  
12 form of the applicant is postmarked not later  
13 than the lesser of 30 days, or the period pro-  
14 vided by State law, before the date of the elec-  
15 tion;

16 (C) in the case of registration at a voter  
17 registration agency, if the valid voter registration  
18 form of the applicant is accepted at the  
19 voter registration agency not later than the  
20 lesser of 30 days, or the period provided by  
21 State law, before the date of the election; and

22 (D) in any other case, if the valid voter  
23 registration form of the applicant is received by  
24 the appropriate State election official not later  
25 than the lesser of 30 days, or the period pro-

9 (A) at the request of the registrant;

10 (B) as provided by State law, by reason of  
11 criminal conviction or mental incapacity; or

12 (C) as provided under paragraph (4);

17 (A) the death of the registrant; or

18 (B) a change in the residence of the reg-  
19 istrant, in accordance with subsections (b), (c),  
20 and (d);

23 (A) voter eligibility requirements; and

7 (b) CONFIRMATION OF VOTER REGISTRATION.—Any  
8 State program or activity to protect the integrity of the  
9 electoral process by ensuring the maintenance of an accu-  
10 rate and current voter registration roll for elections for  
11 Federal office—

12 (1) shall be uniform, nondiscriminatory, and in  
13 compliance with the Voting Rights Act of 1965 (42  
14 U.S.C. 1973 et seq.); and

19 (c) VOTER REMOVAL PROGRAMS.—(1) A State may  
20 meet the requirement of subsection (a)(4) by establishing  
21 a program under which—

22 (A) change-of-address information supplied by  
23 the Postal Service through its licensees is used to  
24 identify registrants whose addresses may have  
25 changed; and

17 (2)(A) A State shall complete, not later than 90 days  
18 prior to the date of a primary or general election for Fed-  
19 eral office, any program the purpose of which is to system-  
20 atically remove the names of ineligible voters from the offi-  
21 cial lists of eligible voters.

22 (B) Subparagraph (A) shall not be construed to  
23 preclude—

6 (d) REMOVAL OF NAMES FROM VOTING ROLLS.—(1)

7 A State shall not remove the name of a registrant from  
8 the official list of eligible voters in elections for Federal  
9 office on the ground that the registrant has changed resi-  
10 dence unless the registrant—

23 (2) A notice is described in this paragraph if it is  
24 a postage prepaid and pre-addressed return card, sent by  
25 forwardable mail, on which the registrant may state his

1 or her current address, together with a notice to the fol-  
2 lowing effect:

23 (3) A voting registrar shall correct an official list of  
24 eligible voters in elections for Federal office in accordance

1 with change of residence information obtained in conform-  
2 ance with this subsection.

3 (e) PROCEDURE FOR VOTING FOLLOWING FAILURE  
4 To RETURN CARD.—(1) A registrant who has moved from  
5 an address in the area covered by a polling place to an  
6 address in the same area shall, notwithstanding failure to  
7 notify the registrar of the change of address prior to the  
8 date of an election, be permitted to vote at that polling  
9 place upon oral or written affirmation by the registrant  
10 of the change of address before an election official at that  
11 polling place.

12 (2)(A) A registrant who has moved from an address  
13 in the area covered by one polling place to an address in  
14 an area covered by a second polling place within the same  
15 registrar's jurisdiction and the same congressional district  
16 and who has failed to notify the registrar of the change  
17 of address prior to the date of an election, at the option  
18 of the registrant—

19 (i) shall be permitted to correct the voting  
20 records and vote at the registrant's former polling  
21 place, upon oral or written affirmation by the reg-  
22 istrant of the new address before an election official  
23 at that polling place; or

24 (ii)(I) shall be permitted to correct the voting  
25 records and vote at a central location within the

1 same registrar's jurisdiction designated by the reg-  
2 istrar where a list of eligible voters is maintained,  
3 upon written affirmation by the registrant of the  
4 new address on a standard form provided by the  
5 registrar at the central location; or

6 (II) shall be permitted to correct the voting  
7 records for purposes of voting in future elections at  
8 the appropriate polling place for the current address  
9 and, if permitted by State law, shall be permitted to  
10 vote in the present election, upon confirmation by  
11 the registrant of the new address by such means as  
12 are required by law.

13 (B) If State law permits the registrant to vote in the  
14 current election upon oral or written affirmation by the  
15 registrant of the new address at a polling place described  
16 in subparagraph (A)(ii)(II), voting at the former polling  
17 place as described in subparagraph (A)(i) and at a central  
18 location as described in subparagraph (A)(ii)(I) need not  
19 be provided as alternative options.

20 (3) If the registration records indicate that a reg-  
21 istrant has moved from an address in the area covered  
22 by a polling place, the registrant shall, upon oral or writ-  
23 ten affirmation by the registrant before an election official  
24 at that polling place that the registrant continues to reside

1 at the address previously made known to the registrar, be  
2 permitted to vote at that polling place.

3 (f) CHANGE OF VOTING ADDRESS WITHIN A JURIS-  
4 DICTION.—In the case of a change of address, for voting  
5 purposes, of a registrant to another address within the  
6 same registrar's jurisdiction, the registrar shall correct the  
7 voting registration list accordingly, and the registrant's  
8 name may not be removed from the official list of eligible  
9 voters by reason of such a change of address except as  
10 provided in subsection (d).

11 (g) CONVICTION IN FEDERAL COURT.—(1) On the  
12 conviction of a person of a felony in a district court of  
13 the United States, the United States attorney shall give  
14 written notice of the conviction to the chief State election  
15 official designated under section 10 of the State of the  
16 person's residence.

17 (2) A notice given pursuant to paragraph (1) shall  
18 include—

19 (A) the name of the offender;  
20 (B) the offender's age and residence address;  
21 (C) the date of entry of the judgment;  
22 (D) a description of the offenses of which the  
23 offender was convicted; and  
24 (E) the sentence imposed by the court.

1       (3) On request of the chief State election official of  
2 a State or other State official with responsibility for deter-  
3 mining the effect that a conviction may have on an offend-  
4 er's qualification to vote, the United States attorney shall  
5 provide such additional information as the United States  
6 attorney may have concerning the offender and the offense  
7 of which the offender was convicted.

8        (4) If a conviction of which notice was given pursuant  
9 to paragraph (1) is overturned, the United States attorney  
10 shall give the official to whom the notice was given written  
11 notice of the vacation of the judgment.

12        (5) The chief State election official shall notify the  
13 voter registration officials of the local jurisdiction in which  
14 an offender resides of the information received under this  
15 subsection.

16 (h) REDUCED POSTAL RATES.—(1) Subchapter II of  
17 chapter 36 of title 39, United States Code, is amended  
18 by adding at the end the following:

19 "§ 3629. Reduced rates for voter registration pur-  
20 poses

21        "The Postal Service shall make available to a State  
22 or local voting registration official the rate for any class  
23 of mail that is available to a qualified nonprofit organiza-  
24 tion under section 3626 for the purpose of making a mail-

1 ing that the official certifies is required or authorized by  
2 the National Voter Registration Act of 1993.”.

3 (2) The first sentence of section 2401(c) of title 39,  
4 United States Code, is amended by striking out “and  
5 3626(a)–(h) and (j)–(k) of this title,” and inserting in lieu  
6 thereof “3626(a)–(h), 3626(j)–(k), and 3629 of this title”.

7 (3) Section 3627 of title 39, United States Code, is  
8 amended by striking out “or 3626 of this title,” and in-  
9 serting in lieu thereof “3626, or 3629 of this title”.

10 (4) The table of sections for chapter 36 of title 39,  
11 United States Code, is amended by inserting after the  
12 item relating to section 3628 the following new item:

“3629. Reduced rates for voter registration purposes.”.

13 (i) PUBLIC DISCLOSURE OF VOTER REGISTRATION  
14 ACTIVITIES.—(1) Each State shall maintain for at least  
15 2 years and shall make available for public inspection and,  
16 where available, photocopying at a reasonable cost, all  
17 records concerning the implementation of programs and  
18 activities conducted for the purpose of ensuring the accu-  
19 racy and currency of official lists of eligible voters, except  
20 to the extent that such records relate to a declination to  
21 register to vote or to the identity of a voter registration  
22 agency through which any particular voter is registered.

23 (2) The records maintained pursuant to paragraph  
24 (1) shall include lists of the names and addresses of all

1 persons to whom notices described in subsection (d)(2) are  
2 sent, and information concerning whether or not each such  
3 person has responded to the notice as of the date that  
4 inspection of the records is made.

5 (j) DEFINITION.—For the purposes of this section,  
6 the term “registrar’s jurisdiction” means—

7 (1) an incorporated city, town, borough, or  
8 other form of municipality;

9 (2) if voter registration is maintained by a  
10 county, parish, or other unit of government that gov-  
11 erns a larger geographic area than a municipality,  
12 the geographic area governed by that unit of govern-  
13 ment; or

14 (3) if voter registration is maintained on a con-  
15 solidated basis for more than one municipality or  
16 other unit of government by an office that performs  
17 all of the functions of a voting registrar, the geo-  
18 graphic area of the consolidated municipalities or  
19 other geographic units.

20 **SEC. 9. FEDERAL COORDINATION AND REGULATIONS.**

21 (a) IN GENERAL.—The Federal Election Commis-  
22 sion—

23 (1) in consultation with the chief election offi-  
24 cers of the States, the heads of the departments,  
25 agencies, and other entities of the executive branch

1 of the Federal Government, and representatives of  
2 nongovernmental entities, shall prescribe such regu-  
3 lations as are necessary to carry out this Act;

4 (2) in consultation with the chief election offi-  
5 cers of the States, shall develop a mail voter reg-  
6 istration application form for elections for Federal  
7 office;

8 (3) not later than June 30 of each odd-num-  
9 bered year, shall submit to the Congress a report as-  
10 sessing the impact of this Act on the administration  
11 of elections for Federal office during the preceding  
12 2-year period and including recommendations for  
13 improvements in Federal and State procedures,  
14 forms, and other matters affected by this Act; and

15 (4) shall provide information to the States with  
16 respect to the responsibilities of the States under  
17 this Act.

18 (b) CONTENTS OF MAIL VOTER REGISTRATION  
19 FORM.—The mail voter registration form developed under  
20 subsection (a)(2)—

21 (1) may require only such identifying informa-  
22 tion (including the signature of the applicant) and  
23 other information (including data relating to pre-  
24 vious registration by the applicant), as is necessary  
25 to enable the appropriate State election official to

1 assess the eligibility of the applicant and to admin-  
2 ister voter registration and other parts of the elec-  
3 tion process;

4 (2) shall include a statement that—

5 (A) specifies each eligibility requirement  
6 (including citizenship);

7 (B) contains an attestation that the appli-  
8 cant meets each such requirement; and

11 (3) may not include any requirement for notari-  
12 zation or other formal authentication.

13 SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFI-  
14 CIAL.

15        Each State shall designate a State officer or employee  
16 as the chief State election official to be responsible for co-  
17 ordination of State responsibilities under this Act.

18 SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF AC-  
19 TION.

20       (a) ATTORNEY GENERAL.—The Attorney General  
21 may bring a civil action in an appropriate district court  
22 for such declaratory or injunctive relief as is necessary to  
23 carry out this Act.

24 (b) PRIVATE RIGHT OF ACTION.—(1) A person who  
25 is aggrieved by a violation of this Act may provide written

1 notice of the violation to the chief election official of the  
2 State involved.

3 (2) If the violation is not corrected within 90 days  
4 after receipt of a notice under paragraph (1), or within  
5 20 days after receipt of the notice if the violation occurred  
6 within 120 days before the date of an election for Federal  
7 office, the aggrieved person may bring a civil action in an  
8 appropriate district court for declaratory or injunctive re-  
9 lief with respect to the violation.

10 (3) If the violation occurred within 30 days before  
11 the date of an election for Federal office, the aggrieved  
12 person need not provide notice to the chief election official  
13 of the State under paragraph (1) before bringing a civil  
14 action under paragraph (2).

15 (c) ATTORNEY'S FEES.—In a civil action under this  
16 section, the court may allow the prevailing party (other  
17 than the United States) reasonable attorney fees, includ-  
18 ing litigation expenses, and costs.

19 (d) RELATION TO OTHER LAWS.—(1) The rights and  
20 remedies established by this section are in addition to all  
21 other rights and remedies provided by law, and neither  
22 the rights and remedies established by this section nor any  
23 other provision of this Act shall supersede, restrict, or  
24 limit the application of the Voting Rights Act of 1965 (42  
25 U.S.C. 1973 et seq.).

1       (2) Nothing in this Act authorizes or requires con-  
2 duct that is prohibited by the Voting Rights Act of 1965  
3 (42 U.S.C. 1973 et seq.).

4 **SEC. 12. CRIMINAL PENALTIES.**

5       A person, including an election official, who in any  
6 election for Federal office—

7           (1) knowingly and willfully intimidates, threat-  
8 ens, or coerces, or attempts to intimidate, threaten,  
9 or coerce, any person for—

10           (A) registering to vote, or voting, or at-  
11 tempting to register or vote;

12           (B) urging or aiding any person to register  
13 to vote, to vote, or to attempt to register or  
14 vote; or

15           (C) exercising any right under this Act; or

16           (2) knowingly and willfully deprives, defrauds,  
17 or attempts to deprive or defraud the residents of a  
18 State of a fair and impartially conducted election  
19 process, by—

20           (A) the procurement or submission of voter  
21 registration applications that are known by the  
22 person to be materially false, fictitious, or  
23 fraudulent under the laws of the State in which  
24 the election is held; or

1 (B) the procurement, casting, or tabulation  
2 of ballots that are known by the person to be  
3 materially false, fictitious, or fraudulent under  
4 the laws of the State in which the election is  
5 held,  
6 shall be fined in accordance with title 18, United States  
7 Code, or imprisoned not more than 5 years, or both.

## 8 SEC. 13. EFFECTIVE DATE.

9 This Act shall take effect—

Passed the House of Representatives February 4, 1993.

Attest: DONNALD K ANDERSON

### *Clerk*

## HR 2 RES—?