

103D CONGRESS
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To establish national voter registration procedures for Federal elections, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 17 (legislative day, JANUARY 5), 1993

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Administration

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Committee discharged

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;

1 (2) it is the duty of the Federal, State, and
2 local governments to promote the exercise of that
3 right; and

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;

13 (2) to make it possible for Federal, State, and
14 local governments to implement this Act in a man-
15 ner that enhances the participation of eligible citi-
16 zens as voters in elections for Federal office;

17 (3) to protect the integrity of the electoral proc-
18 ess; and

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));

1 (2) the term “Federal office” has the meaning
2 stated in section 301(3) of the Federal Election
3 Campaign Act of 1971 (2 U.S.C. 431(3));

4 (3) the term “motor vehicle driver’s license” in-
5 cludes any personal identification document issued
6 by a State motor vehicle authority;

7 (4) the term “State” means a State of the
8 United States and the District of Columbia; and

9 (5) the term “voter registration agency” means
10 an office designated under section 7(a)(1) to per-
11 form voter registration activities.

12 **SEC. 4. NATIONAL PROCEDURES FOR VOTER REGISTRA-**
13 **TION 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 proce-
18 dures 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—

1 (A) at the appropriate registration site
2 designated with respect to the residence of the
3 applicant in accordance with State law; and

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:

9 (1) A State in which there is no voter registra-
10 tion requirement for any voter in the State with re-
11 spect to an election for Federal office.

12 (2) A State in which all voters in the State may
13 register to vote at the polling place at the time of
14 voting in a general election for Federal office.

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

5 (ii) enable State election officials to assess
6 the eligibility of the applicant and to administer
7 voter registration and other parts of the elec-
8 tion process;

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

14 (iii) requires the signature of the applicant,
15 under penalty of perjury; 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—

1 (A) the person was registered to vote in a juris-
2 diction by mail; and

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

1 (B) all offices in the State that provide State-
2 funded programs primarily engaged in providing
3 services to persons with disabilities.

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—

10 (i) State or local government offices such as
11 public libraries, public schools, offices of city and
12 county clerks (including marriage license bureaus),
13 fishing and hunting license bureaus, government rev-
14 enue offices, and offices not described in paragraph
15 (2)(B) that provide services to persons with disabil-
16 ities; and

17 (ii) Federal and nongovernmental offices, with
18 the agreement of such offices.

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.

1 (iii) Acceptance of completed voter registration
2 application forms for transmittal to the appropriate
3 State election official.

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—

21 (A) distribute with each application for such
22 service or assistance, and with each recertification,
23 renewal, or change of address form relating to such
24 service or assistance—

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

4 (I) specifies each eligibility require-
5 ment (including citizenship);

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

9 (III) requires the signature of the ap-
10 plicant, 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;

15 (B) to the greatest extent practicable, incor-
16 porate in application forms and other forms used at
17 those offices for purposes other than voter registra-
18 tion a means by which a person who completes the
19 form may decline, in writing, to register to vote in
20 elections for Federal office; and

21 (C) provide to each applicant who does not de-
22 cline to register to vote the same degree of assist-
23 ance with regard to the completion of the registra-
24 tion application form as is provided by the office
25 with regard to the completion of its own forms.

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—

1 (1) ensure that any eligible applicant is reg-
2 istered to vote in an election—

3 (A) in the case of registration with a motor
4 vehicle application under section 5, if the valid
5 voter registration form of the applicant is sub-
6 mitted to the appropriate State motor vehicle
7 authority not later than the lesser of 30 days,
8 or the period provided by State law, before the
9 date of the election;

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 registra-
18 tion 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-

1 vided by State law, before the date of the elec-
2 tion;

3 (2) require the appropriate State election offi-
4 cial to send notice to each applicant of the disposi-
5 tion of the application;

6 (3) provide that the name of a registrant may
7 not be removed from the official list of eligible voters
8 except—

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);

13 (4) conduct a general program that makes a
14 reasonable effort to remove the names of ineligible
15 voters from the official lists of eligible voters by rea-
16 son of—

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);

21 (5) inform applicants under sections 5, 6, and
22 7 of—

23 (A) voter eligibility requirements; and

1 (B) penalties provided by law for submis-
2 sion of a false voter registration application;
3 and

4 (6) ensure that the identity of the voter reg-
5 istration agency through which any particular voter
6 is registered is not disclosed to the public.

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

15 (2) shall not result in the removal of the name
16 of any person from the official list of voters reg-
17 istered to vote in an election for Federal office by
18 reason of the person's failure to vote.

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

1 (B) if it appears from information provided by
2 the Postal Service that—

3 (i) a registrant has moved to a different
4 residence address in the same registrar's juris-
5 diction in which the registrant is currently reg-
6 istered, the registrar changes the registration
7 records to show the new address and sends the
8 registrant a notice of the change by forwardable
9 mail and a postage prepaid pre-addressed re-
10 turn form by which the registrant may verify or
11 correct the address information; or

12 (ii) the registrant has moved to a different
13 residence address not in the same registrar's ju-
14 risdiction, the registrar uses the notice proce-
15 dure described in subsection (d)(2) to confirm
16 the change of address.

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—

1 (i) the removal of names from official lists of
2 voters on a basis described in paragraph (3) (A) or
3 (B) or (4)(A) of subsection (a); or

4 (ii) correction of registration records pursuant
5 to this Act.

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—

11 (A) confirms in writing that the registrant has
12 changed residence to a place outside the registrar's
13 jurisdiction in which the registrant is registered; or

14 (B)(i) has failed to respond to a notice de-
15 scribed in paragraph (2); and

16 (ii) has not voted or appeared to vote (and, if
17 necessary, correct the registrar's record of the reg-
18 istrant's address) in an election during the period
19 beginning on the date of the notice and ending on
20 the day after the date of the second general election
21 for Federal office that occurs after the date of the
22 notice.

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:

3 (A) If the registrant did not change his or her
4 residence, or changed residence but remained in the
5 registrar's jurisdiction, the registrant should return
6 the card not later than the time provided for mail
7 registration under subsection (a)(1)(B). If the card
8 is not returned, affirmation or confirmation of the
9 registrant's address may be required before the reg-
10 istrant is permitted to vote in a Federal election
11 during the period beginning on the date of the notice
12 and ending on the day after the date of the second
13 general election for Federal office that occurs after
14 the date of the notice, and if the registrant does not
15 vote in an election during that period the reg-
16 istrant's name will be removed from the list of eligi-
17 ble voters.

18 (B) If the registrant has changed residence to
19 a place outside the registrar's jurisdiction in which
20 the registrant is registered, information concerning
21 how the registrant can continue to be eligible to
22 vote.

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.

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

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

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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

9 (C) requires the signature of the applicant,
10 under penalty of perjury; 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—

10 (1) with respect to a State that on the date of
11 enactment of this Act has a provision in the con-
12 stitution of the State that would preclude compliance
13 with this Act unless the State maintained separate
14 Federal and State official lists of eligible voters,
15 on January 1, 1996; and

16 (2) with respect to any State not described in
17 paragraph (1), on January 1, 1995.

Passed the House of Representatives February 4,
1993.

Attest: DONNALD K. ANDERSON,
Clerk.

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